



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 9]

नई दिल्ली, शनिवार, मार्च 4, 1989/फाल्गुन 13, 1910

No. 9]

NEW DELHI, SATURDAY, MARCH 4, 1989/PHALGUNA 13, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

MINISTRY OF FOOD &amp; CIVIL SUPPLIES

(Department of Civil Supplies)

नई दिल्ली, 25 जनवरी 1989

New Delhi the 25th January, 1989

का.आ. 402—केंद्रीय सरकार, अग्रिम संविदा (विनियमन)  
प्रधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन आन्ध्र  
प्रदेश कॉटन एसोसिएशन, गुन्टूर द्वारा मान्यता के नवीकरण के लिए किए  
गए आवेदन पर बायदा बाजार आयोग के परामर्श से विचार करके और  
यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोक-  
हित में भी होगा, एतद्वारा उक्त प्रधिनियम की धारा 6 द्वारा प्रदान  
अवसरों का प्रयोग करते हुए, उक्त एसोसिएशन को कपास में  
अग्रिम संविदा के बारे में 7 मार्च, 1989 से 6 मार्च, 1991 (जिसमें  
ये दोनों दिन शामिल हैं) की 2 वर्ष की ओर अग्रिम के लिए मान्यता  
प्रदान करती है।

2. एतद्वारा मान्यता इस शर्त के अध्याधीन है कि उक्त एसोसिएशन  
ऐसे निर्देशों का अनुपालन करेगी, जो बायदा बाजार आयोग द्वारा समय-  
समय पर दिए जाएंगे।

S.O. 402.—The Central Government, having considered,  
in consultation with the Forward Markets Commission, the  
application for renewal of recognition made under section 5  
of the Forward Contracts (Regulation) Act, 1952 (74 of  
1952) by the Andhra Pradesh Cotton Association, Guntur,  
and being satisfied that it would be in the interest of the  
trade and also in the public interest so to do, hereby grants,  
in exercise of the powers conferred by section 6 of the said  
Act, recognition to the said Association for a further period  
of two years from the 7th March, 1989 to the 6th March,  
1991, (both days inclusive) in respect of forward contracts  
in cotton.

2. The recognition hereby granted is subject to the con-  
dition that the said Association shall comply with such direc-  
tions, as may, from time to time, be given by the Forward  
Markets Commission.

[सिगिल सं. 12/1/आई.टी./89]

[File No. 12/1/IT

का. मा. 403.—केंद्रीय सरकार, अधिगम संधिदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन सेन्ट्रल इंडिया कमर्शियल एक्सचेंज लि. ग्वालियर द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर वायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एक्सचेंज को गुरु में अधिगम संधिदा के बारे में 18 मार्च, 1989 से 17 मार्च, 1991 (द्विसंयं ये दोनों दिन शामिल हैं) की 2 वर्ष की और अवधि के लिए मान्यता प्रदान करती है।

S. O. 403.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Central India Commercial Exchange Limited, Gwalior, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of two years from the 18th March, 1989 to the 17th March, 1991, (both days inclusive) in respect of forward contracts in gur.

2. एतद्वारा मान्यता इस शर्त के अध्याधीन है कि उक्त एक्सचेंज ऐसे निर्देशों का अनुपालन करेगा, जो वायदा बाजार आयोग द्वारा समय-समय पर दिए जाएंगे।

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions, as may, from time to time, be given by the Forward Markets Commission.

[मिसिल सं. 12/2/आई.टी./89]

[P. No. 12/2/IT/89]

टी.एन. जेल्पी, आर्थिक सलाहकार

T. N. JAITLE, Economic Adviser

### भारतीय मानक ब्यूरो

नई दिल्ली, 30 जनवरी, 1989

का. मा. 404.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 7 के उपनियम (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है, वह रद्द कर दिया गया है और काम में लिया गया है :

### अनुसूची

| का. सं. रद्द किए गए भारतीय मानक की संख्या और वर्ष | उस राजपत्र अधिसूचना की संख्या और तिथि, जिसमें भारतीय मानक के निर्धारण की अधिसूचना छपी थी।  | टिप्पणी                  |
|---|--|--------------------------|
| (1)   | (2)  | (3)                      |
| 1. IS : 3310-1965                                 | का. मा. सं. 1081, दिनांक 1966-03-25, भारत के अब इन विषयों का इस्तेमाल नहीं किया जाता। राजपत्र भाग 2 खंड 3, उपखंड (2), दिनांक 1966-04-09 में प्रकाशित | अब काम में लिया जाता है। |

[सी एस डी/13/7]

### BUREAU OF INDIAN STANDARDS

New Delhi, the 30th January 1989

S.O. 404. -In pursuance of sub-rule (b) of Rule 7 of the Bureau of Indian Standards Rule, 1987 it is, hereby, notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been cancelled and stands withdrawn :-

### SCHEDULE

| Sl. No. & Year of the Indian Standard No. Cancelled | S.O. No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified               | Remarks   |
|---|--|---|
| 1. IS : 3310-1965                                   | S.O. 1081 dated 1966-03-25 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1966-04-09. | As these drill are no longer in use, Hence withdrawn. |

[No. CMD/13-7]

का.आ. 405.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 7 के उपनियम (ख) के अनुसरण में एनआरआर अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं :

## अनुसूची

| क्र. सं. रद्द किए गए भारतीय मानक की संख्या और वर्ष | उक्त राजपत्र अधिसूचना की संख्या और तिथि, जिसमें भारतीय मानक के निवर्तन की अधिसूचना छपी थी।                | टिप्पणी  |
|--|---|--|
| (1)  | (2)   | (3)  |
| 1. IS : 1185-1957                                  | का.आ. सं. 1349 दिनांक 1958-07-01, भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1958-07-12 में प्रकाशित | IS : 1185-1957 की अपेक्षाएं IS : 5785 (भाग 1 से 5) में सम्मिलित कर ली गई हैं। अतः वापस लिया जाता है। |
| 2. IS : 2225-1962                                  | का.आ. सं. 1147 दिनांक 1963-04-10 भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1963-04-20 में प्रकाशित  | इस मानक की अपेक्षाएं IS : 11881-1986 में सम्मिलित कर ली गई हैं। अतः वापस लिया जाता है।               |
| 3. IS : 2273-1963                                  | का.आ. सं. 1421 दिनांक 1963-05-16 भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1963-05-25 में प्रकाशित  | इस मानक की अपेक्षाएं IS : 11881-1986 में सम्मिलित कर ली गई हैं। अतः वापस कर लिया जाता है।            |

[सं. सी एम डी/13 : 7]

S. O. 405.—In pursuance of sub-rule (b) of Rule 7 of the Bureau of Indian Standards Rule, 1987 it is, hereby, notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stands withdrawn :

## SCHEDULE

| Sl. No. & Year of the Indian Standard Cancelled | S.O. No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified               | Remarks  |
|---|--|--|
| 1   | 2  | 3  |
| 1. IS : 1185-1957                               | S.O. 1349 dated 1958-07-01 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1958-07-12  | Since the requirements of IS : 1185-1957 are covered in IS : 5785 (Part I to V). Hence, withdrawn. |
| 2. IS : 2225-1962                               | S.O. 1147 dated 1963-04-10 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1963-04-20. | As the requirements of this standard have been covered in IS : 11881-1986. Hence, withdrawn.       |
| 3. IS : 2273-1963                               | S.O. 1421 dated 1963-05-16 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1963-05-25. | As the requirements of this standard have been covered in IS : 11881-1986. Hence, withdrawn.       |

[No. CMD/13 : 7]

का.प्र. 406.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 7 के उपनियम (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है, वह रद्द कर दिया गया है और वापस ले लिया गया है :

## अनुसूची

| क्र.सं. | रद्द किए गए भारतीय मानक की संख्या और वर्ष | उस राजपत्र अधिसूचना की संख्या और तिथि, जिसमें भारतीय मानक के निर्धारण की अधिसूचना छपी थी।                  | टिप्पणी                                       |
|---------|---|--|---|
| (1)     | (2)                                       | (3)  | (4)   |
| 1.      | IS : 9023-1978                            | का.प्र. सं. 2274 दिनांक 1981-08-12, भारत के राजपत्र भाग 2 खंड 3, उपखंड (2), दिनांक 1981-08-29 में प्रकाशित | इस निशिष्टि के अधीन वस्तु अब प्रचलित नहीं है। |

[मी.एम.डी./13 : 7]

S.O. 406. -In pursuance of sub-rule (b) of Rule 7 of the Bureau of Indian Standards Rule, 1987 it is, hereby notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been cancelled and standard withdrawn.

## SCHEDULE

| Sl. No. & Year of the Indian Standard No. Cancelled | S.O. No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified              | Remarks   |
|---|---|---|
| 1. IS : 9023-1978                                   | S.O. 2274 dated 1981-08-12 published in the Gazette of India Part-II, Section-3, Sub-section (ii) dated 1981-08-29. | Since the item covered in this specification has become obsolete. |

[No. CMD/13 : 7]

का.प्र. 407.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 7 के उपनियम (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिस भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं :

## अनुसूची

| क्र.सं. | रद्द किए गए भारतीय मानक की संख्या और वर्ष | उस राजपत्र अधिसूचना की संख्या और तिथि, जिसमें भारतीय मानक के निर्धारण की अधिसूचना छपी थी।                   | टिप्पणी  |
|---------|---|---|--|
| (1)     | (2)                                       | (3)   | (4)  |
| 1.      | IS : 4030-1973                            | का.प्र. सं. 2557 दिनांक 1975-07-18, भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1975-08-09 में प्रकाशित | गोत बेस्वित कार्बन इस्पात पत्तियों की विशेषताएं अब IS : 513-1986 में सम्मिलित कर ली गई हैं। अतः वापस लिया जाता है। |
| 2.      | IS : 4331 (भाग-1)-1980                    | का.प्र. सं. 324 दिनांक 1985-01-07 भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1985-01-26 में प्रकाशित   | यह मानक अब संगत नहीं है। अतः वापस लिया जाता है।  |
| 3.      | IS : 9731-1980                            | का.प्र. सं. 1013 दिनांक 1985-02-07 भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1985-03-09 में प्रकाशित  | यह मानक अब संगत नहीं है। अतः वापस लिया जाता है।  |

[सं. मी.एम.डी./13 : 7]

S.O. 407—In pursuance of sub-rule(b) of Rule 7 of the Bureau of Indian Standards Rule, 1987 it is, hereby, notified that the Indian Standard(s), particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stands withdrawn :

## SCHEDULE

| Sl. No. | No. & Year of the Indian Standard Cancelled | S.O. No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified              | Remarks   |
|---------|---|---|---|
| 1       | 2   | 3   | 4   |
| 1.      | IS : 4030 --1973                            | S.O. 2557 dated 1975-07-18 published in the Gazette of India Part, II, Section-3, Sub-section (ii) dated 1975-08-09 | As the requirements of cold rolled carbon steel strips have now been covered in IS : 513-1986. Hence withdrawn. |
| 2.      | IS : 4331 (Part I) - 1980                   | S.O. 324 dated 1985-01-07 published in the Gazette of India, Part-2, Section-3, Sub-section (ii) dated 1985-01-26.  | As these standards are no longer relevant. Hence withdrawn.   |
| 3.      | IS : 9731--1980                             | S.O. 1013 dated 1985-02-07 published in the Gazette of India, Part-2, Section 3, Sub-section (ii) dated 1985-03-09  |   |

[No. CMD/13 : 7]

का.भा. 408.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 7 क उपनियम (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है, वह रद्द कर दिया गया है और वापस ले लिया गया है :—

## अनुसूची

| क्र. सं. | रद्द किए गए भारतीय मानक की संख्या और वर्ष | उस राजपत्र अधिसूचना की संख्या और तिथि, जिसमें भारतीय मानक के निर्यात की अधिसूचना छपी थी                    | टिप्पणी   |
|----------|---|--|---|
| (1)      | (2)                                       | (3)  | (4)   |
| 1.       | IS : 9747-1981                            | का. भा. सं. 748 दिनांक 1985-01-30, भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), दिनांक 1985-02-23 में प्रकाशित | यह मंत्र सीधे उर्वरक के रूप में इस्तेमाल नहीं किया जाता। अतः वापस लिया जाता है। |

[सीएमई/13 : 7]

क्रि. रा. परमेश्वर, महाविशेषक

S. O. 408.—In pursuance of sub-rule(b) of Rule 7 of the Bureau of Indian Standards Rule, 1987 it is, hereby, notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter has been cancelled and stands withdrawn :

## SCHEDULE

| Sl. No. year of the Indian Standard<br>No. Cancelled | S.O. No. & Date of the Gazette Notification<br>in which Establishment of the Indian Standard<br>was Notified        | Remarks   |
|--|---|---|
| 1. IS : 9747--1981                                   | S.O. 748 dated 1985-01-30 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1985-02-23. | As it is no more issued as direct fertilizer. Hence, withdrawn. |

[No. CMD/13 : 7]

K.R. PARAMESVAR, Director General

## संस्कृत विभाग

(भारतीय पुरातन सर्वश्रेष्ठ)

नं. दि. १०, ६ फरवरी, 1989

(पुरातत्व)

क्र.आ. 409.—केंद्रीय सरकार को यह राय है कि इससे उदात्त अनुसूची में बिलिखित प्राचीन स्मारक राष्ट्रीय महत्व का है।

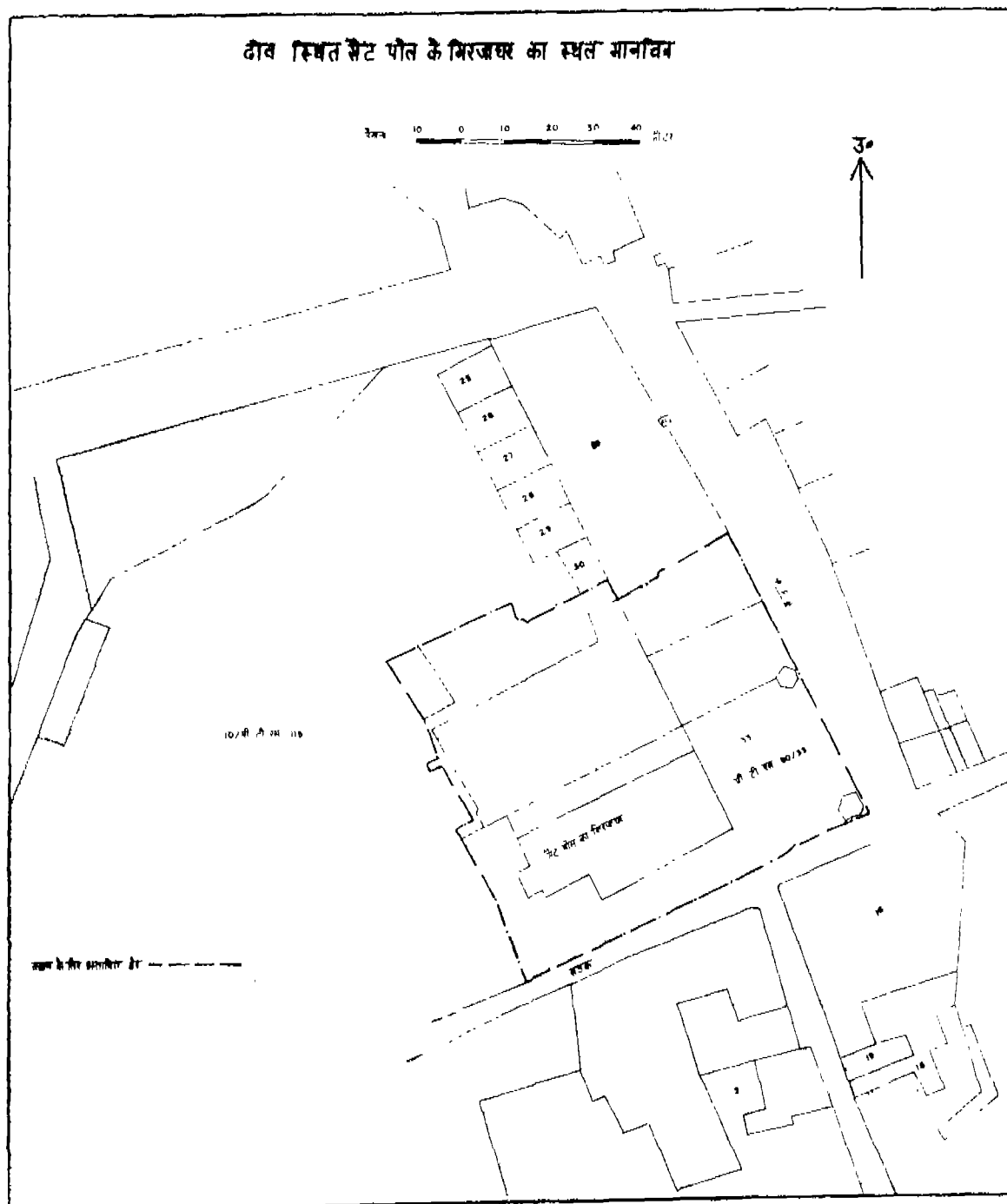
अतः, अब, केंद्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अधिगण अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के प्रती आग्रह की सूचना देती है,

ऐसे आक्षेप पर, जो राजपत्र में इस अधिसूचना के जारी करने की तारीख में आया हो, को जहाँ जहाँ प्राचीन स्मारक में उदात्त किसी व्यक्ति में प्राप्त होगा, केंद्रीय सरकार विचार करेगी।

## अनुसूची

| संघ राज्य क्षेत्र | जिला | परिक्षेत्र | संस्मारक का नाम                    | संरक्षण के अधीन सम्मिलित<br>किए जाने वाले राजस्व प्लॉट<br>संख्याक                     |
|-------------------|------|------------|------------------------------------|---|
| 1                 | 2    | 3          | 4                                  | 5   |
| दमन और दीव        | दीव  | दीव नगर    | किले के बाह्य गेट पाल गिर-<br>जाघर | नीचे उद्धृत स्थल आरेख में<br>व्यापकित सर्वेक्षण प्लॉट<br>नं. 33/पी टी एस/90<br>का भाग |

| क्षेत्र | सीमाएं  | व्याप्ति                                   | टिप्पणियाँ |
|---------|---|--|------------|
| 6       | 7   | 8  | 9          |
| 3175    | उत्तर—सर्वेक्षण नं. 33/पी टी एस/90<br>का शेष भाग<br>पूरब—सड़क<br>दक्षिण—सड़क<br>पश्चिम—सर्वेक्षण<br>प्लॉट सं. 10/पी टी एस/115 | कम्पारिमा डि मोसा मेस्सोरा डि रागे-<br>रिओ | —          |



[मं. 2/15/84-एन]

DEPARTMENT OF CULTURE  
(Archaeological Survey of India)  
New Delhi, the 6th February, 1989

(Archaeology)

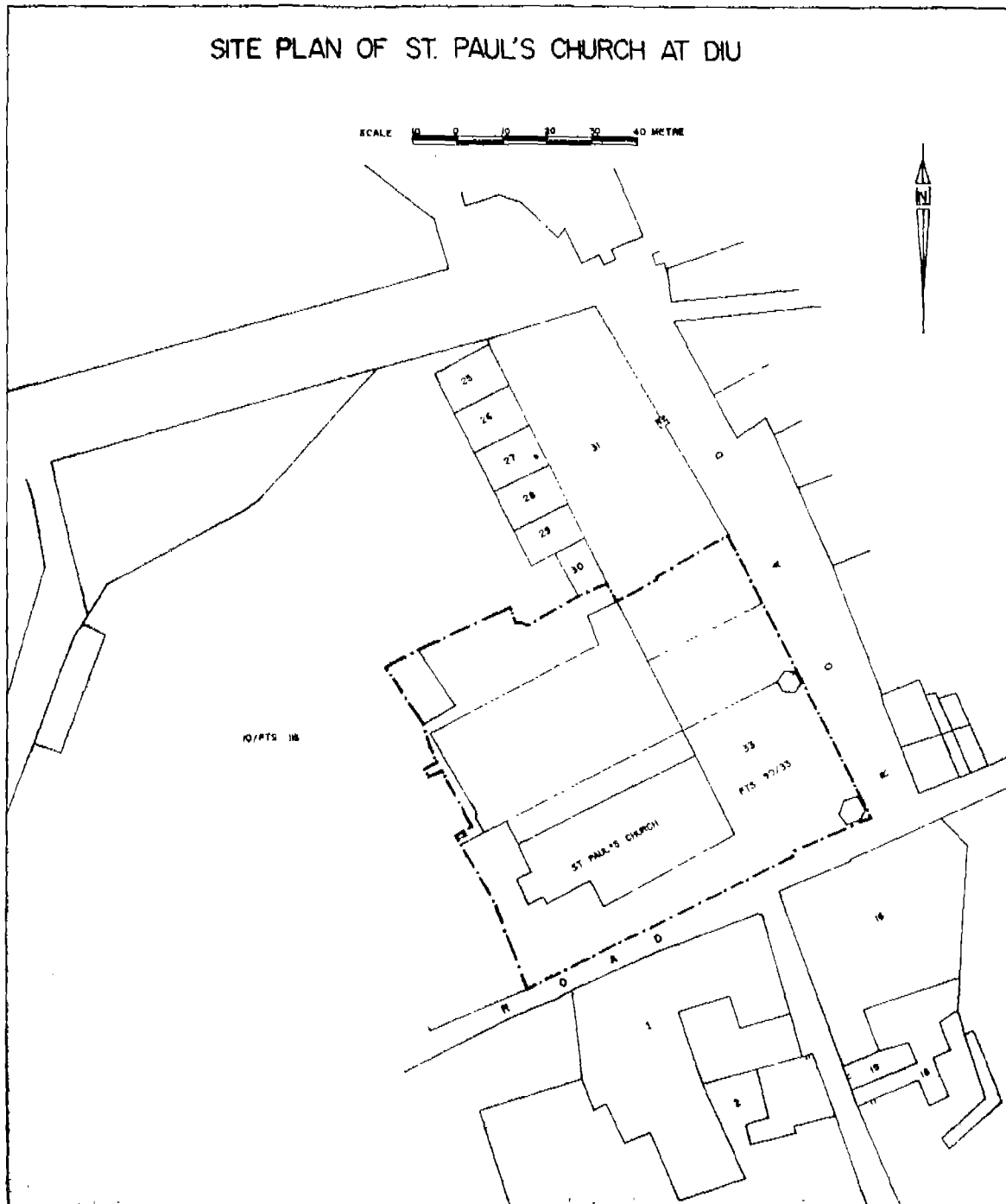
S. O. 409.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

## SCHEDULE

| Union Territory | District | Locality | Name of Monument                  | Revenue plot numbers to be included under protection                         | Area            | Boundaries   | Ownership                             | Remark |
|-----------------|----------|----------|-----------------------------------|--|-----------------|--|---------------------------------------|--------|
| 1               | 2        | 3        | 4                                 | 5  | 6               | 7  | 8                                     | 9      |
| Daman & Diu     | Diu      | Diu Town | Saint Paul's Church out side Fort | Part of survey plot No. 33/PTS/90 as shown on the site plan reproduced below | 3175 sq. meters | North.--Remaining portion of survey plot number 33/PTS/90<br>East.--Road<br>South.--Road<br>West.--Survey plot number 10/PTS/115 | Confraria-da-nossa Senhora De Rosario |        |





का.भा. 410.—केन्द्रीय सरकार की यह राय है कि इसमें उल्लिखित अनुसूची में विनिर्दिष्ट प्राचीन स्मारक राष्ट्रीय महत्व का है;

अतः, अब, केन्द्रीय सरकार, प्राचीन स्मारक तथा पुरातत्त्विक स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन स्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख में दो मास की सूचना देती है।

ऐसे आशय पर, जो इस प्रकार विनिर्दिष्ट दो मास की अवधि के भीतर उक्त प्राचीन स्मारक में हितबद्ध किसी व्यक्ति ने प्राप्त होगा, केन्द्रीय सरकार विचार करेगी :

## अनुसूची

| संघ राज्य क्षेत्र | जिला   | तहसील     | परिक्षेत्र | स्मारक का नाम    | संरक्षण के अधीन सम्मिलित किए जाने वाले राजस्थान प्लॉट संख्या |
|-------------------|--|-----------|------------|------------------|--|
| 1                 | 2  | 3         | 4          | 5                | 6  |
| दमण और दीव        | दीव  | दीव       | दीव शहर    | सबसे अधिकतम किला | सर्वेक्षण प्लॉट सं. 1/पी टी एम/88                            |
| क्षेत्र           | सीमाएं   | स्वामित्व | टिप्पणियां |                  |  |
| 7                 | 8  | 9         | 10         |                  |  |
| 5.673             | उत्तर : सर्वेक्षण प्लॉट सं. 5/पी टी एम/89 और अरब सागर<br>पूर्व : अरब सागर<br>दक्षिण : सर्वेक्षण प्लॉट सं. 3/पी टी एम/11 और 3/पी टी एम/119 और अरब सागर<br>पश्चिम : सर्वेक्षण प्लॉट सं. 4/पी टी एम/117 और 34/पी टी एम/90 | सरकार     | शून्य      |                  |  |

[सं. 2/2/84-एम]

S. O. 410.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months notice of

its intention to declare the said ancient monument to be of national importance from the date of publication of this notification in the Official Gazette;

Any objection which may be received from any person interested in the said ancient monument within a period of two months so specified, will be taken into consideration by the Central Government.

## SCHEDULE

| Union Territory | District | Tehsil | Locality | Name of monument                            | Revenue plot numbers to be included under protection | Area           | Boundaries   | Ownership  | Remarks |
|-----------------|----------|--------|----------|---|--|----------------|--|------------|---------|
| 1               | 2        | 3      | 4        | 5   | 6  | 7              | 8  | 9          | 10      |
| Daman and Diu   | Diu      | Diu    | Diu Town | Fort together with the Buildings inside it. | Survey plot No. 1/PTS/88                             | 5.673 Hectares | North.— Survey plot No. 5/PTS/89 and Arabian Sea.<br>East.—Arabian Sea.<br>South.— Survey plot Nos. 3/PTS/117 and 3/PTS/119 and Arabian Sea.<br>West.— Survey plot Nos. 4/PTS/117 and 34/PTS/90. | Government | Nil     |

[No. 2/2/84-M]

का. प्रा. 411.—केन्द्रीय सरकार, प्राचीन स्मारक तथा पुरातत्त्ववीर्य स्मृत और अवशेष अधिनियम, 1958 (1958 का 24) की धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजराज भाग 2, खंड 3, उपखंड (ii) तारीख 15 मई, 1982 पृष्ठ 1973 पर प्रकाशित भारत सरकार के संस्कृति विभाग (प्राचीन पुरातत्व सर्वेक्षण) की अधिसूचना का. प्रा. सं. 1786 तारीख 3 मई, 1982 को विनिर्दिष्ट करती है।

[सं. 2/28/87-एम]

जगपति जोशी, महा निदेशक

S. O. 411.—In exercise of the powers conferred by section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby rescinds notification of the Government of India in the Department of Culture (Archaeological Survey of India) S. O. No. 1786, dated the 3rd May, 1982 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 15th May, 1982 at page 1973.

[No. 2/28/87-M]

JAGAT PATI JOSHI, Director General

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 1989

का. प्रा. 412.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अन्तर्गत भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2841 तारीख 7-9-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में मूलगत अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों की बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अन्तर्गत सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में मूलगत अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में मूलगत अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में सभी बाधाओं में मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

यन्त्रा जी. जी. एम. III से बन्नी जी. जी. एस एम् सी. टी. एफ. तक पाइप लाइन बिछाने के लिए।

राज्य:—गुजरात जिला:—ता. नुका:—मेहसाणा

| गांव | सर्वे नं. | हेक्टेयर | प्रार. | सेन्टीयर |
|------|-----------|----------|--------|----------|
| 1    | 2         | 3        | 4      | 5        |
| सीठा | 635       | 0        | 04     | 20       |
|      | 634       | 0        | 15     | 20       |
|      | 641/2     | 0        | 14     | 00       |
|      | 641/1     | 0        | 08     | 80       |

| 1         | 2          | 3 | 4  | 5  |
|-----------|------------|---|----|----|
| सीठा-जारी | 641/3      | 0 | 04 | 75 |
|           | काटे ट्रेक | 0 | 01 | 30 |
|           | 599/2      | 0 | 11 | 80 |
|           | 599/1      | 0 | 13 | 00 |
|           | 598        | 0 | 10 | 30 |
|           | 597        | 0 | 21 | 10 |
|           | 591        | 0 | 00 | 10 |
|           | 596        | 0 | 14 | 50 |
|           | 592/1      | 0 | 00 | 50 |
|           | 593        | 0 | 19 | 00 |
|           | काटे ट्रेक | 0 | 02 | 20 |
|           | 494/2      | 0 | 21 | 00 |
|           | 494/1      | 0 | 07 | 00 |
|           | 486        | 0 | 01 | 00 |
|           | 487/1      | 0 | 17 | 80 |
|           | 487/2      | 0 | 07 | 75 |
|           | 478        | 0 | 05 | 00 |
|           | 488        | 0 | 10 | 70 |
|           | 477/2      | 0 | 12 | 00 |
|           | 477/1      | 0 | 05 | 20 |
|           | 480        | 0 | 01 | 60 |
|           | 176        | 0 | 07 | 60 |
|           | 173/1      | 0 | 05 | 30 |
|           | 173/2      | 0 | 06 | 70 |
|           | 172        | 0 | 08 | 00 |
|           | 471        | 0 | 07 | 00 |
|           | 470        | 0 | 05 | 00 |
|           | 469        | 0 | 07 | 80 |
|           | काटे ट्रेक | 0 | 01 | 20 |
|           | 161        | 0 | 10 | 00 |
|           | 462        | 0 | 14 | 00 |
|           | 434        | 0 | 12 | 00 |
|           | 129/1      | 0 | 05 | 60 |
|           | 427        | 0 | 14 | 00 |
|           | 428        | 0 | 10 | 00 |
|           | 426        | 0 | 14 | 40 |

[सं. प्रो - 11027/163/88 प्रो एन जी - डी-III]

#### MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 8th February, 1989

S. O. 412.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2841 dated 7-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

PIPELINE FROM LANVA GGS II TO BALOL GGS/CTF.  
State : Gujarat District & Taluka : Mehsana

| Village | Survey No. | Hectare | Acre | Centiare |
|---------|------------|---------|------|----------|
| 1       | 2          | 3       | 4    | 5        |
| Mitha   | 635        | 0       | 04   | 20       |
|         | 634        | 0       | 15   | 20       |
|         | 641/2      | 0       | 14   | 00       |
|         | 641/1      | 0       | 08   | 80       |
|         | 641/3      | 0       | 04   | 75       |
|         | Carttrack  | 0       | 01   | 30       |
|         | 599/2      | 0       | 11   | 80       |
|         | 599/1      | 0       | 13   | 00       |
|         | 598        | 0       | 10   | 30       |
|         | 597        | 0       | 21   | 10       |
|         | 591        | 0       | 00   | 10       |
|         | 596        | 0       | 14   | 50       |
|         | 592/1      | 0       | 00   | 50       |
|         | 593        | 0       | 19   | 00       |
|         | Carttrack  | 0       | 02   | 20       |
|         | 494/2      | 0       | 21   | 00       |
|         | 494/1      | 0       | 07   | 00       |
|         | 486        | 0       | 01   | 00       |
|         | 487/1      | 0       | 17   | 80       |
|         | 487/2      | 0       | 07   | 75       |
|         | 478        | 0       | 05   | 00       |
|         | 488        | 0       | 10   | 70       |
|         | 477/2      | 0       | 12   | 00       |
|         | 477/1      | 0       | 05   | 20       |
|         | 480        | 0       | 01   | 60       |
|         | 476        | 0       | 07   | 60       |
|         | 473/1      | 0       | 05   | 30       |
|         | 473/2      | 0       | 06   | 70       |
|         | 472        | 0       | 08   | 00       |
|         | 471        | 0       | 07   | 00       |
|         | 470        | 0       | 05   | 00       |
|         | 469        | 0       | 07   | 80       |
|         | Cart track | 0       | 01   | 20       |
|         | 461        | 0       | 10   | 00       |
|         | 462        | 0       | 14   | 00       |
|         | 434        | 0       | 12   | 00       |
|         | 429/1      | 0       | 05   | 60       |
|         | 427        | 0       | 14   | 00       |
|         | 428        | 0       | 10   | 00       |
|         | 426        | 0       | 14   | 40       |

[No. O-11027/163/88-ONG-D. III]

का. आ. 413—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2842 तारीख 7-9-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

लनवा जो. जी. एस. III में बलोल जो. जी. एस. एम सी. टी. एफ. तक पाइप लाइन बिछाने के लिए।

राज्य.—गुजरात जिला ब तालुका.—मेहसाना

| गांव     | सर्वे नं.   | हेक्टेयर | घार. | सेण्टीयर |
|----------|-------------|----------|------|----------|
| गमानपुरा | 616         | 0        | 02   | 00       |
|          | 621         | 0        | 19   | 75       |
|          | 622         | 0        | 19   | 00       |
|          | 639         | 0        | 05   | 75       |
|          | 638         | 0        | 13   | 80       |
|          | 641/1       | 0        | 08   | 00       |
|          | 643         | 0        | 06   | 00       |
|          | 644         | 0        | 04   | 00       |
|          | 646         | 0        | 05   | 00       |
|          | 648         | 0        | 05   | 00       |
|          | 649         | 0        | 12   | 60       |
|          | 650         | 0        | 11   | 50       |
|          | 654         | 0        | 01   | 50       |
|          | कार्ट ट्रैक | 0        | 01   | 20       |
|          | 653         | 0        | 13   | 50       |
|          | 681         | 0        | 12   | 00       |
|          | 682         | 0        | 00   | 50       |
|          | कार्ट ट्रैक | 0        | 01   | 00       |

[सं. ओ-11027/164/88—ओ. एन. जी. डी.-III]

S. O. 413.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2842 dated 7-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from Lanva GGS III to Balol GGS/CTF.

State : Gujarat

District & Taluka : Mehsana

| Village   | Survey No. | Hed-tare | Are | Centiare |
|-----------|------------|----------|-----|----------|
| Gamanpura | 616        | 0        | 02  | 00       |
|           | 621        | 0        | 19  | 75       |
|           | 622        | 0        | 19  | 00       |
|           | 639        | 0        | 05  | 75       |
|           | 638        | 0        | 13  | 80       |
|           | 641/1      | 0        | 08  | 00       |
|           | 643        | 0        | 06  | 00       |
|           | 644        | 0        | 04  | 00       |
|           | 646        | 0        | 05  | 00       |
|           | 648        | 0        | 05  | 00       |
|           | 649        | 0        | 12  | 60       |
|           | 650        | 0        | 11  | 50       |
|           | 654        | 0        | 01  | 50       |
|           | Cart track | 0        | 01  | 20       |
|           | 653        | 0        | 13  | 50       |
|           | 681        | 0        | 12  | 00       |
|           | 682        | 0        | 00  | 50       |
|           | Cart track | 0        | 01  | 00       |

[No. O-11027/164/88-ONG-D. III]

का. आ. 414—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में चाव खेड़ा में रिलायन्स इन्डस्ट्रीज तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदान शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

इसलिए कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नाबि पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्देश और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः वह भी कथन करेगा कि क्या यह वह साक्ष्य है कि उस की सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

चांदखेड़ा से रिलायन्स इन्डस्ट्रीज तक पाइप लाइन बिछाने के लिए।  
राज्य—गुजरात जिला—अहमदाबाद तालुका—दसक्रोई

| गांव   | ब्लॉक नं. | हेक्टेयर | आर. | सेन्टीयर |
|--------|-----------|----------|-----|----------|
| हंसपुर | 17        | 0        | 02  | 50       |
|        | 18        | 0        | 12  | 40       |
|        | 24        | 0        | 08  | 80       |
|        | 23        | 0        | 05  | 40       |

[सं. ओ.—11027/15/89—आ एन जी डी.-III]

S.O. 414.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Chand Kheda to Reliance Ind. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara,

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Reliance Gas Line.

State : Gujarat District : Ahmedabad Taluka : Daseroi

| Village | Block No. | He-tare | Are | Centiare |
|---------|-----------|---------|-----|----------|
| Hanspur | 17        | 0       | 02  | 50       |
|         | 18        | 0       | 12  | 40       |
|         | 24        | 0       | 08  | 80       |
|         | 23        | 0       | 05  | 40       |

[No. O-11027/15/89-ONG-D-III]

का. आ. 415—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2949 तारीख 1-9-88 द्वारा केन्द्र सरकार ने उन अधिसूचना में संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उन धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होन को बनाए रखा जाए और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप से, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

| लनवा जी. जी. एस. III से बालोल जी. जी. एस./सी. टी. एफ. तक पाइप लाइन बिछाने के लिए। |            |          |        |          |
|---|------------|----------|--------|----------|
| राज्य—गुजरात      जिला—मेहसाना      तालुका : चाणामा                               |            |          |        |          |
| गांव  | सर्वे नं.  | हेक्टेयर | अर्रे. | सेन्टीयर |
| सयुधला  | 89         | 0        | 26     | 00       |
|   | 90/पी      | 0        | 03     | 80       |
|   | 90/पी      | 0        | 16     | 90       |
|   | 97         | 0        | 26     | 00       |
|   | 91         | 0        | 04     | 60       |
|   | 92         | 0        | 22     | 00       |
|   | 94/2       | 0        | 18     | 90       |
|   | 96         | 0        | 14     | 00       |
|   | 99         | 0        | 22     | 80       |
|   | कार्टट्रैक | 0        | 02     | 00       |
|   | 101        | 0        | 01     | 00       |
|   | 100/2      | 0        | 14     | 90       |
|   | 100/1      | 0        | 06     | 30       |
|   | कार्टट्रैक | 0        | 02     | 00       |
|   | 153        | 0        | 07     | 30       |
|   | 155/1      | 0        | 00     | 75       |
|   | 156/2      | 0        | 09     | 80       |
|   | 156/1      | 0        | 09     | 20       |
|   | 151        | 0        | 42     | 00       |
|   | 150        | 0        | 45     | 10       |
|   | 174/पी     | 0        | 06     | 00       |
|   | 174/पी     | 0        | 08     | 90       |
|   | कार्टट्रैक | 0        | 02     | 00       |
|   | 183/पी     | 0        | 09     | 90       |
|   | 184/पी     | 0        | 16     | 90       |
|   | 188        | 0        | 23     | 90       |
|   | 185        | 0        | 18     | 10       |

[सं. अ-11027/150/88-आर-ज-डा-III]

S.O. 415.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2949 dated 1-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from Lanva GGS III to Balol GGS-cum-CTF.  
State : Gujarat District : Mehsana Talu ka : Chanasma

| Village   | Survey No. | Hec-tare | Are | Centiare |
|-----------|------------|----------|-----|----------|
| Saduthala | 89         | 0        | 26  | 00       |
|           | 90/P       | 0        | 03  | 80       |
|           | 90/P       | 0        | 16  | 90       |
|           | 97         | 0        | 26  | 00       |
|           | 91         | 0        | 04  | 60       |
|           | 92         | 0        | 22  | 00       |
|           | 94/2       | 0        | 18  | 90       |
|           | 96         | 0        | 14  | 00       |
|           | 99         | 0        | 22  | 80       |
|           | Cart track | 0        | 02  | 00       |
|           | 101        | 0        | 01  | 00       |
|           | 100/2      | 0        | 14  | 90       |
|           | 100/1      | 0        | 06  | 30       |
|           | Cart track | 0        | 02  | 00       |
|           | 153        | 0        | 07  | 30       |
|           | 155/1      | 0        | 00  | 75       |
|           | 156/2      | 0        | 09  | 80       |
|           | 156/1      | 0        | 09  | 20       |
|           | 151        | 0        | 42  | 00       |
|           | 150        | 0        | 45  | 10       |
|           | 174/P      | 0        | 06  | 00       |
|           | 174/P      | 0        | 08  | 90       |
|           | Cart track | 0        | 02  | 00       |
|           | 183/P      | 0        | 09  | 90       |
|           | 183/P      | 0        | 16  | 90       |
|           | 188        | 0        | 23  | 90       |
|           | 185        | 0        | 18  | 10       |

[No. D:11027/150/88-ONG-D. III]

का. आ. 416—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962) का 50) की धारा 3 की उपधारा (1) के प्रतीत भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2951 तारीख 1-9-88 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का अर्जित करने का विचार करने के लिए अर्जित करने का आदेश प्रकाशित किया था।

और यतः गणम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार कर के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों

में उपयोग का अधिकार पट्टावाहन विधान के लिए एनद्वाय अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से और प्राकृतिक गैस आपूर्ति में, गैस वाहारी में मुख्य रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मन्वा जी. जी. एस III से बलोल जी. जी. एस. एचम् सी.

टी. I ऐक. सक वाहन वाहन विधान के लिए।

राज्य : गुजरात

जिला व तालुका : महुसना

| गाँव        | सर्वेक्षण | हेक्टेयर | आटे | सेन्टीनर |
|-------------|-----------|----------|-----|----------|
| 1           | 2         | 3        | 4   | 5        |
| महुसना      | 253       | 0        | 18  | 60       |
|             | 249       | 0        | 00  | 55       |
| कार्ट ट्रैक |           | 0        | 03  | 50       |
|             | 254       | 0        | 10  | 00       |
|             | 258       | 0        | 20  | 50       |
| कार्ट ट्रैक |           | 0        | 01  | 80       |
|             | 260       | 0        | 19  | 00       |
|             | 263       | 0        | 15  | 60       |
|             | 234       | 0        | 08  | 80       |
|             | 231       | 0        | 00  | 52       |
|             | 233       | 0        | 00  | 75       |
|             | 232       | 0        | 14  | 60       |
|             | 261       | 0        | 05  | 50       |
|             | 229       | 0        | 23  | 70       |
|             | 227       | 0        | 02  | 70       |
|             | 228       | 0        | 07  | 80       |
| कार्ट ट्रैक |           | 0        | 02  | 60       |
|             | 200       | 0        | 23  | 60       |
| कार्ट ट्रैक |           | 0        | 01  | 60       |
|             | 145       | 0        | 07  | 60       |
|             | 146/1     | 0        | 06  | 25       |
| कार्ट ट्रैक |           | 0        | 02  | 75       |
|             | 150/1     | 0        | 04  | 80       |
|             | 150/2     | 0        | 07  | 00       |
|             | 151       | 0        | 12  | 50       |
|             | 153       | 0        | 01  | 35       |
|             | 152       | 0        | 04  | 00       |
|             | 154       | 0        | 15  | 80       |
|             | 107       | 0        | 12  | 80       |
|             | 105       | 0        | 10  | 00       |
|             | 96/1      | 0        | 14  | 00       |
|             | 96/2      | 0        | 12  | 00       |
|             | 97        | 0        | 01  | 60       |
|             | 98        | 0        | 16  | 80       |
|             | 59        | 0        | 07  | 60       |
|             | 58        | 0        | 15  | 45       |
|             | 53/1      | 0        | 08  | 10       |
|             | 55        | 0        | 01  | 30       |
|             | 54        | 0        | 14  | 40       |

[सं. 11027/145-83 जी.जी.एस.-III]

S.O. 416.—Whereas by notification be the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2951 dated 1-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from Lanva GGS III to Balol GGS/CTF.

State : Gujarat

District & Taluka : Mchana

| Village | Survey No. | Hec-tare | Are | Centiare |
|---------|------------|----------|-----|----------|
| 1       | 2          | 3        | 4   | 5        |
| Maguna  | 253        | 0        | 18  | 60       |
|         | 249        | 0        | 00  | 55       |
|         | Cart track | 0        | 03  | 50       |
|         | 254        | 0        | 10  | 00       |
|         | 258        | 0        | 20  | 50       |
|         | Cart track | 0        | 01  | 80       |
|         | 260        | 0        | 19  | 00       |
|         | 263        | 0        | 15  | 60       |
|         | 234        | 0        | 08  | 80       |
|         | 231        | 0        | 00  | 52       |
|         | 233        | 0        | 00  | 75       |
|         | 232        | 0        | 14  | 60       |
|         | 261        | 0        | 05  | 50       |
|         | 229        | 0        | 23  | 70       |
|         | 227        | 0        | 02  | 70       |
|         | 228        | 0        | 07  | 80       |
|         | Cart track | 0        | 02  | 60       |
|         | 200        | 0        | 23  | 60       |
|         | Cart track | 0        | 01  | 60       |
|         | 145        | 0        | 07  | 60       |
|         | 146/1      | 0        | 06  | 25       |
|         | Cart track | 0        | 02  | 75       |
|         | 150/1      | 0        | 04  | 80       |
|         | 150/2      | 0        | 07  | 00       |
|         | 151        | 0        | 12  | 50       |
|         | 153        | 0        | 01  | 35       |
|         | 152        | 0        | 04  | 00       |

| 1 | 2    | 3 | 4  | 5  | 1 | 2       | 3 | 4  | 5  |
|---|------|---|----|----|---|---------|---|----|----|
|   | 154  | 0 | 15 | 80 |   | 562     | 0 | 16 | 90 |
|   | 107  | 0 | 12 | 80 |   | 522     | 0 | 13 | 00 |
|   | 105  | 0 | 10 | 00 |   | 518/1   | 0 | 26 | 40 |
|   | 96/1 | 0 | 14 | 00 |   | 505/1   | 0 | 01 | 23 |
|   | 96/2 | 0 | 12 | 00 |   | 505/2   | 0 | 10 | 15 |
|   | 97   | 0 | 01 | 60 |   | 507     | 0 | 12 | 70 |
|   | 98   | 0 | 16 | 80 |   | 489/2   | 0 | 27 | 70 |
|   | 59   | 0 | 07 | 60 |   | 488     | 0 | 55 | 70 |
|   | 58   | 0 | 15 | 45 |   | 487     | 0 | 27 | 60 |
|   | 53/1 | 0 | 08 | 10 |   | 486     | 0 | 22 | 40 |
|   | 55   | 0 | 01 | 30 |   | 474     | 0 | 06 | 29 |
|   | 54   | 0 | 14 | 40 |   | 398/1+3 | 0 | 04 | 76 |

[No. O-11027/145/88-ONG. D.-III]

का. 417 :—यत् पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. 417 सं. 407 तारीख 7-1-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अथवा आग्रह घोषित कर दिया था।

और यत् राक्षस प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

के. एन. के. एस. II की पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : खेडा तालुका : अरंद

| गांव  | सर्वे नं. | हेक्टेयर | आरे. | सेन्टीयर |
|-------|-----------|----------|------|----------|
| 1     | 2         | 3        | 4    | 5        |
| बलासन | 539/4     | 0        | 11   | 00       |
|       | 539/3     | 0        | 06   | 96       |
|       | 543       | 0        | 53   | 70       |
|       | 516/1     | 0        | 08   | 00       |
|       | 516/2     | 0        | 08   | 10       |
|       | 560/2     | 0        | 19   | 80       |
|       | 561/4     | 0        | 20   | 20       |
|       | 561/1     | 0        | 16   | 10       |

[सं. ओ.-11027/37/88-ओ एन जी -डी-III]

S.O. 417.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 407 dated 7-1-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (59 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE  
Pipeline for KNK Phase II

| State : Gujarat | District : Kheda | Taluka : Arand |     |            |
|-----------------|------------------|----------------|-----|------------|
| Village         | Survey No.       | Hec-tare       | Are | Cent-tiare |
| 1               | 2                | 3              | 4   | 5          |
| Valasan         | 539/4            | 0              | 14  | 00         |
|                 | 539/3            | 0              | 06  | 96         |
|                 | 543              | 0              | 53  | 70         |
|                 | 546/1            | 0              | 08  | 00         |
|                 | 546/2            | 0              | 08  | 10         |

| 1 | 2       | 3 | 4  | 5  |
|---|---------|---|----|----|
|   | 560/2   | 0 | 19 | 80 |
|   | 561/4   | 0 | 20 | 20 |
|   | 561/1   | 0 | 16 | 10 |
|   | 562     | 0 | 16 | 90 |
|   | 522     | 0 | 13 | 00 |
|   | 518/1   | 0 | 26 | 40 |
|   | 505/1   | 0 | 01 | 23 |
|   | 505/2   | 0 | 10 | 15 |
|   | 507     | 0 | 12 | 70 |
|   | 489/2   | 0 | 27 | 70 |
|   | 488     | 0 | 55 | 70 |
|   | 487     | 0 | 27 | 60 |
|   | 486     | 0 | 22 | 40 |
|   | 474     | 0 | 06 | 29 |
|   | 398/1+3 | 0 | 04 | 76 |
|   | 427     | 0 | 04 | 15 |
|   | 428     | 0 | 00 | 18 |
|   | 426/2   | 0 | 03 | 36 |
|   | 425/1   | 0 | 00 | 03 |
|   | 425/2   | 0 | 08 | 25 |
|   | 425/3   | 0 | 08 | 46 |
|   | 425/4   | 0 | 01 | 22 |
|   | 437     | 0 | 15 | 10 |
|   | 435     | 0 | 00 | 14 |
|   | 436     | 0 | 21 | 46 |
|   | 458     | 0 | 29 | 60 |
|   | 459/2   | 0 | 07 | 62 |

[No. O-11027/37/88-ONG-D. III]

नई दिल्ली, 14 फरवरी, 1989

का. आ. 418--यन. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2834 तारीख 6-9-88 द्वारा केन्द्रीय सरकार ने उप अधिनियम से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राप्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एनर्जिया अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में शोषण का प्रकाशन की इस तारीख को निहित होगा।

| अनुसूची   |             |          |     |          |
|---|-------------|----------|-----|----------|
| चान्दखेड़ा से रिलायन्स इन्डस्ट्रीज तक पाइप लाइन बिछाने के लिए |             |          |     |          |
| राज्य : गुजरात जिला : तालुका : गान्धिनगर                      |             |          |     |          |
| गाँव  | ब्लॉक नं.   | हेक्टेयर | अर. | सेन्टीयर |
| रानासन  | 28          | 0        | 46  | 00       |
|   | 29          | 0        | 40  | 75       |
|   | 23          | 0        | 73  | 30       |
|   | 22          | 0        | 09  | 60       |
|   | 17          | 0        | 06  | 40       |
|   | 18          | 0        | 00  | 30       |
|   | 19          | 0        | 21  | 70       |
|   | कार्ट ट्रैक | 0        | 02  | 40       |
|   | 131         | 0        | 04  | 41       |
|   | 128         | 0        | 20  | 72       |
|   | 130         | 0        | 18  | 63       |
|   | 129         | 0        | 18  | 09       |
|   | 125         | 0        | 33  | 60       |

[सं. ओ० - 11027/154/88-ओ एन जो-ओ-III]

New Delhi, the 14th February, 1989

S.O. 418.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2834 dated 6-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from Chandkheda to Reliance Ind.  
State : Gujarat District & Taluka : Gandhinagar

| Village | Block No.  | Hec-tare | Are | Cent-tiare |
|---------|------------|----------|-----|------------|
| Ranasan | 28         | 0        | 46  | 00         |
|         | 29         | 0        | 40  | 75         |
|         | 23         | 0        | 73  | 30         |
|         | 22         | 0        | 09  | 60         |
|         | 17         | 0        | 06  | 40         |
|         | 18         | 0        | 00  | 30         |
|         | 19         | 0        | 21  | 70         |
|         | Cart track | 0        | 02  | 40         |
|         | 131        | 0        | 04  | 41         |
|         | 128        | 0        | 20  | 72         |
|         | 130        | 0        | 18  | 63         |
|         | 129        | 0        | 18  | 09         |
|         | 125        | 0        | 33  | 60         |

[No. O-11027/154/88-ONG-D. III]



का.आ. 119—यतः पेट्रोलियम और खनिज पाइप लाइन अधिनियम, 1962 (1962 का 30) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.पा.सं. 2833 तारीख 6-9-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट द दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस मायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

चान्दखेड़ा में रिफायरिंग इंडस्ट्रीज तक पाइप लाइन बिछाने के लिए राज्य : गुजरात जिला व तालुका : गांधी नगर

| गांव    | ब्लॉक नं. | हेक्टेयर | घ.म. | सेन्टीयर |
|---------|-----------|----------|------|----------|
| हानपुरा | 14        | 0        | 08   | 20       |
|         | 15        | 0        | 34   | 80       |
|         | 19        | 0        | 22   | 00       |
|         | 20        | 0        | 20   | 00       |
|         | 21        | 0        | 15   | 60       |
|         | 22        | 0        | 42   | 60       |
|         | 41        | 0        | 10   | 40       |
|         | 23        | 0        | 09   | 40       |

[सं. ओ. 11027/153/88-ओ एन जी डी-III]

क. विवेकानन्द, डेस्क अधिकारी

S.O. 419.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2833 dated 6-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (20 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in 384 GH-3

Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from Chandkheda to Reliance Ind.  
State : Gujarat District & Taluka : Gandhinagar

| Village  | Block No. | Hectare | Area | Centiare |
|----------|-----------|---------|------|----------|
| Hanspura | 14        | 0       | 08   | 20       |
|          | 15        | 0       | 34   | 80       |
|          | 19        | 0       | 22   | 00       |
|          | 20        | 0       | 20   | 00       |
|          | 21        | 0       | 15   | 60       |
|          | 22        | 0       | 42   | 60       |
|          | 41        | 0       | 10   | 40       |
|          | 23        | 0       | 09   | 40       |

[No. O-11027/153/88-ONG-D. III]

K. VIVEKANAND, Desk Officer

#### रक्षक मंत्रालय

नई दिल्ली, 24 जनवरी, 1989

का.आ. 420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैगर्स भारत कोकिंग कोल लिमिटेड का ईस्ट कताराम कोलियरी के प्रबन्धनक्रम सम्बन्ध नियोजकों और उनके कार्यकारी के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) अनुवाद के के पश्चात् को प्रकाशित करती है।

#### MINISTRY OF LABOUR

New Delhi, the 24th January, 1989

S.O. 420.—Whereas by notification of the Government of India, Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the East Kataras Colliery of M/s. Bharat Coking Coal Limited and their workman.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL. (NO. 2) AT DHANBAD

Reference No. 178 of 1987

In the matter of an industrial dispute under section 10(1)(d) of the I.D. Act, 1947

#### PARTIES :

Employers in relation to the management of East Kataras Colliery of M/s. Bharat Coking Coal Limited and their workmen.

#### APPEARANCES :

On behalf of the workmen : Shri Arjun Singh, Secretary, Koyala Ispat Mazdoor, Panchayat.

On behalf of the employers : Shri B. Singh, Dy. Personnel Manager.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 5th January, 1989

## AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/319/86-D.III(A), dated the 2nd July, 1987.

## SCHEDULE

"Whether the action of the management of East Katras Colliery of Katras Area M/s. Bharat Coking Coal Limited, Dhanbad, in dismissing Shri Panku Bhula, Dumper Khalasi of East Katras Colliery w.e.f. 18-4-1985 is justified? If not, to what relief the workman is entitled?"

In this case both the parties filed their respective W.S. documents etc. But subsequently at the stages of evidence both the parties appeared before me and filed a petition of compromise. I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of petition of compromise which forms part of the award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/319/86-D.III(A)/TR (Coal)]

## ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 178/87

Employers in relation to the management of East Katras Colliery

## AND

Their Workmen

Petition of Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the dispute has been amicably settled between the parties on the following terms :—

- (1) That the concerned workman Sri Panku Bhula will be given employment on his original job within 7 days from the date he report reports for his duty.
- (2) That the concerned workman will be paid 50% of his monthly wages for the period of his idleness from 18-4-85 on the date he is allowed to resume his duty. His continuity of service will be maintained.
- (c) That the concerned workman will not claim for the balance amount on account of wages and other benefits for the period of his idleness from 18th April, 1985 till the date of his resumption of duty.
- (d) That if the concerned workman fails to report for his duty within 30 days from the date of this settlement, he will forfeit all the rights under this settlement and it will be deemed that he has accepted his dismissal from his services with effect from 18-4-85.
- (e) That the concerned workman must produce his original identity card and the relevant document to prove his genuinity at the time of reporting for his duty for proper verification of his identity.

2. That in view of this settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Workman  
(Illegible)

1. \_\_\_\_\_  
2. \_\_\_\_\_

Witness :  
(Illegible)

1. \_\_\_\_\_  
2. \_\_\_\_\_

For the Employer.

1. \_\_\_\_\_  
2. \_\_\_\_\_

का.सा. 421.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सैतम भारत कोयला कोल लिमिटेड का गोविन्दपुर कोयिलरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करती है।

S.O. 421.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947, the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Govindpur Colliery of M/s. Bharat Coking Coal Limited and their workmen.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 106 of 1987

In the matter of an industrial dispute under sections 10(1)(d) of the I.D. Act., 1947.

## PARTIES :

Employers in relation to the management of Govindpur Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

## APPEARANCES :

On behalf of the workmen : Shri G. D. Pandey, Vice President, R.C.M.S.

On behalf of the employers : Shri S. P. Singh, Personnel Manager.

## STATE :

INDUSTRY : Coal

Dated, the 3rd January, 1989

## AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (266)/86-D.III(A), dated the 20th March 1987.

## SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited should regularise their workman, Shri Basu Sawai, as Prop Mazdoor is justified? If no, to what relief is the workman entitled?"

In this case both the parties did not file their respective W.S. etc. But subsequently both the parties instead of filing W.S. filed a petition of compromise. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/266/86-D.III(A)/TR(Coal-I)]

## ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT

DHANBAD

Reference No. 106/87

Employers in relation to the management of Govindpur Colliery;

AND

Their Workmen

Petition of Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the Central Government by notification No. L-20012(266)/86-D.II(A) dated the 20-3-87 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

## SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited should regularise their workmen, Sri Basu Swai, as Prop. Mazdoor is justified? If so, to what relief is this workman entitled?"

2. That the parties to the above reference have amicably ended the dispute on the following terms :—

## Terms of Settlement

- (a) That the concerned workman Sri Basu Swai has been regularised as Stone cutter at Govindpur Colliery with effect from 11-9-88 in terms of the settlement dated 9-8-88 between the parties in accordance with section 18 of the I.D. Act, read with rule 8 of the Industrial Disputes (Central) Rules.
- (b) That in view of the aforesaid settlement and implementation of the same, the concerned workman Sri Basu Swai does not claim for his regularisation as Prop. Mazdoor in Category-II which is lower than the stone cutter.
- (c) That the concerned workman does not claim any other relief from the management arising out of the present dispute.

3. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the award in terms of the settlement.

For the Employer  
General Manager  
Govindpur Area.  
(S. P. Singh)  
Personnel Manager  
Govindpur Area.  
Witnesses

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

For the Workmen/Union  
(G. D. PANDEY)

Vice President

Rashtriya Colliery Mazdoor Sangh

## ANNEXURE

## FORM 'H'

(See Rule-58(4))

Memorandum of settlement arrived at between the management of Govindpur Area and the Rashtriya Colliery Mazdoor Sangh Union.

Management's Representative :

1. General Manager,  
Govindpur Area.

Union Representative :

1. Shri G. D. Pandey,  
Vice President,  
Rashtriya Colliery Mazdoor Sangh.

## Short Recital of the case

The Union contention is that Shri Bashu Swai, Stone Cutter, working in the capacity of Prop Mazdoor was transferred in the year 1985 from Govindpur Colliery to Kustore Area was not justified as he was not working in the capacity of Stone cutter. Moreover, he did not report for his duty at Kustore, Area since 1985 and the case is lying pending before the Hon'ble Presiding Officer, Tribunal No. 11, at Dhanbad so he shall be allowed to resume his duty with immediate effect at Govindpur Colliery. After prolonged discussion both the parties agreed to settle the dispute on the following terms and conditions.

## Terms and Conditions

- (1) Shri Bashu Swai shall be allowed to resume duty with immediate effect at Govindpur Colliery as a Stone cutter.
- (2) It has been mutually agreed that no back wages will be paid to the workman for the idleness period and the said period will be treated as leave without pay.
- (3) The workman concerned shall be allowed to resume duty after proper verification and getting letter from Kustore Area that Shri Bashu Swai has not joined at Kustore Area.

This is full and final settlement and the union agreed to withdraw the dispute and representation and also will not claim anything beyond the above terms and conditions.

For the Management :

General Manager

(S. C. GAUR)

Personnel Manager

For the Workmen/Union :

G. D. PANDEY,

Vice President

Rashtriya Colliery Mazdoor Sangh

Witnesses :

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

का.प्र. 422—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैसर्से भारत कोलिंग कोल लिमिटेड का बस्ताकोला कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 अनुबन्ध के पंचाद को प्रकाशित करती है।

S.O. 422.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation

to the Bastacolla Colliery of M/s. Bharat Coking Coal Limited and their workmen.

# ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 123 of 1988

### PARTIES :

Employers in relation to the management of Bastacolla Colliery of M/s. BCCL.

### AND

Their Workmen

For the Employers—Sri G. Prasad, Advocate.

For the workmen—Sri Lalit Burman, Vice President, United Coal Workers Union.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, dated the 30th November, 1988

### AWARD

The present reference arose out of Order No. L-24012/185/87-D-4(B), dated the 26th July, 1988 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:—

"Whether the demand of the United Coal Workers Union to regularise Sri Janki Mistry, Pump Khalasi as Clerk Gr. III in Bastacolla Colliery of Bastacolla Area No. IX of M/s. BCCL is justified? If so, to what relief the workman concerned is entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and made an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-24012/185/87-D.IV(B)/IR(Coal-I)]

K. J. DYVA PRASAD, Desk Officer

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER SECTION 1(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF BASTACOLLA COLLIERY UNDER AREA NO. IX OF BHARAT COKING COAL LIMITED, P.O. JHARIA, DT. DHANBAD AND THEIR WORKMAN REPRESENTED BY THE VICE PRESIDENT, UNITED COAL WORKERS UNION (AITUC), DHANBAD BEFORE THE ASSISTANT LABOUR COMMISSIONER (CENTRAL) DHANBAD-IV ON 6-1-1988

### PARTIES PRESENT :

Representing Employer(s)—Shri R. N. Singh Dy. Personnel Manager Bastacolla Area No. IX M/s. Bharat Coking Coal Limited P. O. Jharia Dist. Dhanbad.

Representing workman—Shri M. N. Upadhyay vice president United Coal Workers Union Dhanbad.

### SHORT RECITAL OF THE CASE

1 Coal Workers Union (AITUC), Industrial dispute under his letter

NO. III dated 16-2-87 over alleged demand of regularisation

of Shri Janki Mistry as Clerk in Grade-II by the management of Bastacolla Colliery of Area No. IX, of M/s. Bharat Coking Coal Limited, P.O. Jharia, Dt. Dhanbad and requested the A.L.C.(C), Dhanbad-III to intervene in the matter. The dispute was received/registered in the office of the Asst. Labour Commissioner (C), Dhanbad-III who held discussions on number of dates and finally on 30-7-87. As the dispute could not be settled and the conciliation ended in failure, and the FOC report was submitted to the Government by the then A.L.C.(C), Dhanbad-III vide his letter No. 1/8/87 E.S. dated 31-8-87 and the decision of the Government is pending on this report. Subsequently, both the parties requested the A.L.C.(C), Dhanbad-IV vide their letter dated 6-1-88 to take up the matter in conciliation. Accordingly, the matter was discussed and after persuasion the parties agreed to resolve the dispute raised by them vide letter dated 16-2-87 amicably on the following terms :

### TERMS OF SETTLEMENT

It is agreed by both the parties :

(1) that the management shall regularise Shri Janki Mistry as Clerk in Clerical Grade-III as per N.C.W.A-III w.e.f. 1-1-1987 within one month from to-day.

(2) that they shall submit implementation report to the A.L.C.(C), Dhanbad-IV with a copy to the R.J.C.(C), Dhanbad within 45 days from the date of settlement failing which it will be presumed that the settlement in question has been implemented in full.

On behalf of the management

On behalf of the Union.

(R. N. SINGH)

(M. N. UPADHYAY)

Dy. Personnel Manager

VICE PRESIDENT

### WITNESSES :

(1)

(Janki Mistry)

(2) .....

A. N. MEHROTRA, Asstt. Labour Commissioner\*  
(CENTRAL)  
DHANBAD-IV

Dhanbad, dt. 6-1-88 : par\*

Part of the Award.  
30-11-88.

नई दिल्ली, 7 फरवरी, 1989

का.प्र. 423--औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार पाइराइट्स, कम्पेन्स एण्ड केमिकल्स लि., देहरादून के प्रबन्धन में सम्बद्ध विवादों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचवट को प्रकृति करती है, जो केन्द्रीय सरकार को 2-2-89 को प्राप्त हुआ था।

New Delhi, the 7th February, 1989

S.O. 423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Pyrites Phosphates & Chemicals Ltd., Dehradun and their workmen, which was received by the Central Government on the 2nd Feb., 1989.

### ANNEXURE

BEFORE SHRI ARJAN DEVI PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR, U.P.

Industrial Dispute No. 47 of 1988

In the matter of dispute between

Shri Nand Kishore Prasad  
Ex-Mine Mate  
Maldota Mine PPC Limited  
Dehradun, U.P.

AND

२. इस विवाद में दिनांक २-१२-८३ को तर्जफार पत्र की ओर से माध्य को कार्यवाही पूर्ण हो चुकी थी और विवाद में तारीख १९-१२-८८ प्रबन्धनत्र की ओर से माध्य में शपथ पत्र प्रस्तुत करने के विषये निर्दिष्ट की गई थी । दिनांक १९-१२-८८ को श्री भार.एन. गुप्ता, अधिका. प्रतिनिधि, प्रबन्धनत्र. की ओर से पक्ष की भूरेन्द्र निडू, प्रतिपक्ष प्रतिनिधि, कर्मकार पक्ष की ओर से उपस्थित हुए। यह तारीख प्रबन्धनत्र की ओर से माध्य प्रस्तुत करने के विषये निर्दिष्ट की गई थी मगर पत्राचारों की ओर से माध्य प्रस्तुत करने के बजाय एक मुलह पत्र इस विवाद में इस प्रार्थना के साथ प्रस्तुत किया गया कि इस विवाद का वित्तारण मुलह पत्र से बर्णित तथ्यों के आधार पर कर दिया जाये ।

(3) मुलह पत्र, जो कि पत्रावली में दिनांक 9-12-88 का है और जिसके तथ्यों के सेरे समय दिनांक 19-12-88 पत्रों के द्वारा सत्यापित किया गया है।

मुलह पत्र के तथ्य निम्न प्रकार से हैं :

(1) यह कि सेवायोजक सहमत है कि संबंधित कर्मकारी श्री दिनेश प्रसाद सिंह को सम्बन्धित सेवाओं के माध्यम पर वापस लेंगे।

(2) यह कि सेवायोजक सहमत है कि सम्बन्धित श्रमिक से अनिवार्य कर्मचारियों को दिसम्बर, 1983 में नियमित कर दिया गया है अतः सम्बन्धित श्रमिक को दिसम्बर, 1983 से नियमित मानते हुए तदनुसार वेतन व अन्य सुविधाएं दी जायेंगी।

(3) यह कि श्रमिक पक्ष सहमत है कि वह बेकारी अवधि के पूर्ण वेतन की मांग पर बल नहीं देंगे।

सेवायोजक सहमत है कि वह श्री दिनेश प्रसाद सिंह को बेकारी अवधि का वेतन 75 प्रतिशत की दर से भुगतान करेंगे।

(4) यह कि उक्त समझौते के उक्त विवाद का पूर्ण एवम् अन्तिम रूप में निपटारा हो जाता है।

अतः उपरोक्त परिस्थितियों में मुलह पत्र के आधार पर इस विवाद को मुलह पत्रों के तथ्यों के आधार पर निगित किया जाता है।

भजन देव, पीठासीन अधिकारी

[सं. एव. 29012/39/85-डी. 3(बी)]

नई दिल्ली, 13 फरवरी, 1989

का.मा. 425—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास स्टेवेडोरस एसोसिएशन, मद्रास के प्रबन्ध तंत्र सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचवट की प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-89 को प्राप्त हुआ।

New Delhi, the 13th February, 1989

S.O. 425.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Stevedores Association, Madras and their workmen, which was received by the Central Government on the 3-2-89.

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 30th day of December, 1988

Industrial Dispute No. 96 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Madras Stevedores Association, Madras-1 and another).

#### BETWEEN

1. Thiru L. Irudhyasamy, Ty. GPM No. 1007, S/o M. K. Mahaimaimuthu, Ex. Foreman No. 3, No. 2, Old Amaranjipuram, Royapuram, Madras-600013.
2. The General Secretary, Madras Port & Dock Workers Congress, 7, Philips Street, Madras-600001.

#### AND

1. The Chairman, Madras Stevedores Association, Dock Labour Board, Building, Rajaji Salai, Madras-600001.
2. The Chairman, Madras Dock Labour Board, Madras Dock Labour Buildings, Rajaji Salai, Madras-1. (Impleaded as per order in Misc. Appln No. 84/88, dt. 9-12-88)

#### REFERENCE :

Order No. L-33012/3/86-D.IV(A), dated 18-8-1987 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiruvalluvar Row & Reddy, A. Mani and P. Shanthi Advocates appearing for the workman and of Thiruvalluvar T. Arulraj and J. James, Advocates for the Management upon perusing the reference, claim and counter statements and other connected papers on record and the Petitioner workman and the Management having filed a joint memo and recording the same, this Tribunal passed the following Award.

This dispute between the workmen and the Management of Madras Stevedores Association, Madras-1 and another arises out of a reference under Section 10(1)(d) of the Industrial Dispute Act, 1947 by the Government of India in its Order No. L-33012/3/86-D.IV(A), dated 18-8-1987 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the Chairman, Madras Stevedores Association in dismissing the workman Shri L. Irudhyasamy, Temporary General Purpose Mazdoor No. 1007 w.e.f. 5-8-1985 is justified? If not, to what relief is the workman entitled?"

2. Parties were served with summons. Both parties were represented by counsel.

3. Petitioner workman filed his claim statement on 7-1-1988 putting forth his claim. In repudiation thereof the Management of Madras Stevedores Association Madras filed their counter statement on 28-3-1988.

4. After several adjournments, when the dispute was called today, a joint memo was filed by the Petitioner-Workman and the Management setting the claim of the workman. It is recorded.

5. Hence an award is passed as per joint memo. No costs.

Dated, this 30th day of December, 1988.

Sd/-

K. NATARAJAN, Industrial Tribunal

[No. L-33012/3/86-D.IV(A)/D.III(B)]

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT MADRAS

I.D. No. 96 of 1987

Irudhyasamy

...Petitioner

Vs.

Madras Dock Labour Board

..Respondent.

Joint Memo filed by the Petitioner and Respondent

1. The petitioner categorically undertakes not to claim wages for the period between 5-8-85 and the date of his reinstatement.

2. The petitioner gives up once and for all his claims for backwages as specific in clause 1.

3. On the above premises the respondents agreed to take the petitioner into their service as a casual worker afresh without continuity of service and other attendant benefits.

Dated at Madras this the 30th day of December, 1988.

Sd/-

Counsel for Petitioner.

Sd/-

Petitioner

Sd/-

Counsel for Respondent

Sd/-

Respondent.

Deputy Chairman,

Madras Dock Labour Board.

Sd/-

K. NATARAJAN,

Industrial Tribunal

का. घा. 426—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास स्टीवेडोरस एसोसिएशन, मद्रास के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, घनबन्ध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्र सरकार को 3-2-89 को प्राप्त हुआ था।

S.O. 426.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Stevedores Association, Madras and their workmen, which was received by the Central Government on the 3-2-89.

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 9th day of January, 1989

PRESENT :

Thiru K. Natarajan, M.A., B.L.,

Industrial Tribunal

Industrial Disputes No. 111/87

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Madras Stevedores Association, Madras-I and another).

#### BETWEEN

The Workmen represented by  
The General Secretary,  
Madras Fort and Dock Workers Congress,

7, Philips Street, Madras-600001.

#### AND

1. The Chairman,  
Madras Stevedores Association,  
1st Floor, MDLB Building,  
Rajaji Salai, Madras-600001.

2. The Chairman,  
The Madras Dock Labour Board,  
Madras Dock Labour Board Buildings,  
Rajaji Salai, Madras-600001.  
(Impleaded as per order in Misc. Appln. No. 86/88 dt. 9-12-88).

#### REFERENCE :

Order No. L. 33012/7/86-D.IV(A), dt. 10-7-87 of the Ministry of Labour, Government of India, New Delhi.

This dispute after restoration coming on this day for final disposal in the presence of Thiru S. Vaidyanathan, Advocate appearing for the workmen and of Tvl. T. Arulraj and

I. James Advocates for the Management upon perusing the reference, claim statements and other connected papers on record and both the parties having filed a joint memo of settlement and recording the same this Tribunal passed the following :

This dispute between the workmen and the Management of Madras Stevedores Association Madras-I and another arises out of a reference under Section 10(1)(d) of the Industrial Dispute Act 1947 by the Government of India in its Order No. L-33012/7/86-D.IV(A), dated 10-9-1987 of the Ministry of Labour for adjudication of the following issue :

Whether the action of the Management of Madras Stevedores Association Madras in terminating the services of the workman Shri C. Chandran, G.P.M. 285 with effect from 18-1-86 on account of alleged medical unfitness is justified? If not to what relief the concerned workman is entitled to?

2. Parties were served with summons. Both parties were represented by counsel.

3. Petitioner-Union filed its claim statement on 13-6-1988 putting forth the claim of the workman. The Management did not file their counter statement.

4. After several adjournments when the dispute was called today, the counsel for the Respondent-Management filed a memo that the Respondent-Management agrees to reinstate the workman Chandran with continuity of service but without backwages. The petitioner and his counsel also subscribed their signatures.

5. Hence an award is passed directing the Management to reinstate the workman Chandran with continuity of service but without backwages as per memo.

Dated, this 9th day of January, 1989.

Sd/-

K. NATARAJAN  
Industrial Tribunal

[No. L-33012/7/86-D.IV(A)|D.III(B)]

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT MADRAS

I.D. No. 111 of 1987

Chandran

..Petitioner.

Vs.

Madras Dock Labour Board

..Respondent.

Memo filed by the Counsel for Respondent

The petitioner, Sri Chandran specifically agrees that he will not claim any backwages and/or arrears of wages for the period of non-employment or earlier to that period. The respondent agrees to reinstate the workman Chandran with continuity of service but without backwages.

Dated at Madras this 6th day of January, 1989.

Sd/-

Respondent.

Deputy Chairman,

Madras Dock Labour Board.

Sd/-

Counsel for Respondent.

Sd/-

Petitioner.

Counsel for petitioner.

K. NATARAJAN, Industrial Tribunal

नई दिल्ली, 17 फरवरी 1989

का. घा. 427—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नौदली विमानन कंपनी कागोरेसन, नौदली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, घनबन्ध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-2-89 को प्राप्त हुआ था।

New Delhi, the 17th February, 1989

S.O. 427.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neyveli Lignite Corporation Limited, Neyveli and their workmen, which was received by the Central Government on the 10-2-1989.

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday, the 30th day of January, 1989

Industrial Dispute No. 106 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act 1947 between the workmen and the Management of Neyveli Lignite Corporation Limited, Neyveli).

#### BETWEEN

The workmen represented by

The General Secretary,  
NLC Amalgamated Labour and Staff Union,  
P/83, Umbrella Street, Block-3,  
Neyveli-607801.

#### AND

The Chairman-cum-Managing Director,  
Neyveli Lignite Corporation Limited,  
Neyveli-607801.

#### REFERENCE :

Order No. L-29011/6/86-D.III (B)/D.III (A) dated 3-9-1987 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 8th day of December, 1988 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Balaram, Authorised Representative for the workmen and of Thiruvalluvar K. R. Thamithmani and Sathya Rao, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

#### AWARD

This dispute between the workmen and the Management of Neyveli Lignite Corporation Limited, Neyveli arise out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-29011(6)/86-D.III (B)/D.III (A) dated 3-9-1987 of the Ministry of Labour, for adjudication of the following issue :

"Whether the management of Neyveli Lignite Corporation Limited, Neyveli is justified in denying full wages for the suspension period exceeding 90 days to Shri M. A. Periyannadan, A. Thangavelu, R. Muttaiyan and G. Dandapani ? If not, to what relief the said workmen are entitled ?"

2. The Petitioner averments in the claim statement are that the Union submitted various demands to the Management. Since the Management did not concede the demands, the matter was taken to the Regional Labour Commissioner (Central). As the Management did not co-operate to settle the issues, the failure report was sent. The Petitioner-Union submits the refusal of full wages for the suspension period to the workmen mentioned in the reference is illegal and unjustifiable. The workmen were suspended from 7-4-1983 on some alleged charges. The explanation were submitted denying the charges and after enquiry the Management passed orders in respect of each of the workmen.

(i) Pay has been reduced by two steps indefinitely (i.e.) reducing the pay from their present pay of Rs. 616 to Rs. 592 p.m. with immediate effect. He will earn their future increments in the post, after putting requisite service of one year thereafter.

(ii) He was released from suspension with immediate effect, and the period of suspension from 7-4-83 till he rejoins duty will be treated as leave to which he will be entitled.

The workmen are not challenging the punishment as the matter was pending before the Government. The Management pays subsistence wages at 50% of the wages for 90 days and thereafter 75% of the wages upto 28-12-1983. In all they were under suspension for 259 days. As per Standing Order 47(2) for departmental enquiry, the suspension shall not ordinarily exceed a period of 14 days except for good and sufficient reasons to be recorded in writing by the competent authority. The four workmen were suspended for 259 days without sufficient reasons being recorded in writing by the competent authority. Hence award may be passed directing the Management to pay full wages for the period of suspension.

3 The Respondent-Management in its counter statement states the Petitioner-Union is one of the craft Unions, formed during the year 1980 under the name and style of NLC ITI Technicians Union by a group of disgruntled ITI trained workmen who do not find place in any of the trade Unions in Neyveli. The said Union changed its name in 1983 as NLC ITI and General Workers Union affiliated to HMS and later changed their name to the present NLC Amalgamated Labour and Staff Union. The approach of the Petitioner-Union from the inception is agitational and undemocratic in nature. The Management since refused to hold discussion with the Union, the Union started indulging in threats and duress by illegal methods picketing, abetting, instigating other workers to strike work from 21-3-1983. In order to check the illegal activities and considering the gravity of the misconduct committed, the workmen involved in the dispute among others were placed under suspension and chargesheets were issued to them and the Enquiry Officer was also appointed for the enquiry and he submitted a report. The Respondent states since the Management had to conduct and conclude enquiries in respect of all the workmen, who had participated and abetted the illegal strike it was not possible for the Respondent to conclude the enquiry in respect of these 4 workmen within 14 days of their suspension. The demand of the Petitioner-Union for payment of full wages cannot be sustained in law. The enquiry was only in conformity with the Standing Orders. The Respondent denies that the four workmen were suspended for 259 days without any sufficient reasons to be recorded in writing by competent authority. Hence the claim may be rejected.

4. The point for consideration is whether the Management is justified in denying full wages for the suspension period exceeding 90 days to Shri N. A. Periyannadan, A. Thangavelu, R. Muthaiyan and G. Dhandapani ? If not, to what relief the said workmen are entitled ?

5. On behalf of the Management the Standing Order Ex. M-1 was marked. No documents were marked on the side of the workmen. No oral evidence was adduced on either side.

6 The Authorised Representative for the Petitioner-Union would contend that in this case Clause 47(2) of the Standing Orders regarding suspension has been violated and therefore the workmen are entitled to full wages for the suspension period without adjusting any period of suspension against leave at credit. Clause 47(2) read as follows :

"(A) Where a disciplinary proceedings against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may, by order in writing suspend him with effect from such date as may be specified in the order. A Statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.

Provided that in the case of departmental enquiry the suspension shall not ordinarily exceed a period of 14 days except for good and sufficient reasons to be recorded in writing by the competent authority."



The learned authorised representative mainly relied on Proviso to Clause 47(2) of the Standing Orders and contended that it is not opened to the Respondent to extend the enquiry beyond 14 days except for good and sufficient reasons to be recorded in writing by the competent authority. In other words, proviso to Section 47(2) is mandatory and if the suspension period is extended beyond 14 days it should be done only on the basis of good and sufficient reasons to be recorded in writing by the competent authority. Admittedly in this case, the period of suspension exceeded 14 days. According to the learned counsel for the Respondent since the Management had to conduct and conclude enquiries in respect of all workmen it is not possible to conclude the enquiry in respect of these four workmen within 14 days of their suspension. This may be true, but it is forgotten Clause 47(2) contains proviso that in case the enquiry cannot be completed within 14 days, it should be extended only by giving sufficient reasons to be recorded in writing by competent authority. As rightly pointed out by the Authorised Representative that no reasons were recorded in writing by any competent authority. The learned counsel for the Respondent does not dispute this position, but he would contend on the other hand Clause 47(2) is not mandatory and only directory. If his contention is accepted there is no purpose in keeping such a proviso. Further the proviso says "shall" and that too by giving sufficient reasons to be recorded in writing by competent authority. I am unable to accede to the contention of the learned counsel for the Respondent. It is a case wherein the Standing Order has been flouted by the Management without furnishing reasons either oral or written by a competent authority. Hence the Management is not justified in denying full wages to the workmen concerned in this dispute to the period of suspension beyond 90 days. This point is found in favour of the Petitioner.

7. Accordingly an award is passed directing the Management to pay full wages for the suspension period 7-4-1983 to 28-12-1983 deducting subsistence allowance paid already by the Management and without adjusting any period of suspension against leave at credit or due to the workmen. There will be no order as to costs.

Dated, this 30th day of January, 1989.

K. NATARAJAN, Industrial Tribunal  
[No. L-29011/6/86-D.III (B)]

Witnesses Examined :  
For both sides : None  
Documents marked  
For workmen—Nil.  
For Management :

\* Ex. M-1—Certified Standing Order of the Management.

का.प्र. 428—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी. अंकलेश्वर (गुजरात) के प्रबंधन तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-89 को प्राप्त हुआ था।

S.O. 428.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C., Ankleshwar (Gujarat) and their workmen, which was received by the Central Government on the 8th February, 1989.

ANNEXURE  
BEFORE SHRI C. G. RATHOR, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, AHMEDABAD  
Reference (ITC) No. 11 of 1987  
ADJUDICATION

BETWEEN  
ONGC Ankleshwar, Gujarat,  
AND

The workmen employed under it.

In the matter whether the management of ONGC Ankleshwar is justified in terminating the services of Shri

Dineshchandra Mafatlal Chauhan without following the provisions of the I. D. Act? If not, what relief he is entitled to?

INDUSTRY : Oil and Natural Gas Ankleshwar (Gujarat)  
Shri K. T. Trivedi—for the concerned workman.  
Shri B. B. Vakil—for the Commission.

#### AWARD

By an order No. L 30012/8/86-D.III (B) dated 19-1-1987, the Desk Officer, Government of India, Ministry of Labour, New Delhi in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the I. D. Act, 1947, has referred the dispute between ONGC Ankleshwar (Gujarat) and its workmen to this Tribunal. The dispute referred to is as under :

"Whether the management of ONGC, Ankleshwar is justified in terminating the services of Shri Dineshchandra Mafatlal Chauhan without following the provisions of the I. D. Act. If not, what relief he is entitled to?"

Originally, the dispute was referred to in respect of Shri Dineshchandra C. Chauhan, but it was corrected by a corrigendum dated 19-2-87 vide Ex. 8.

2. The ONGC Labour Union (hereinafter referred to as the Union) has filed its statement of claim at Ex. 13 and briefly the facts are as under : that Shri D. M. Chauhan, a member of the Union was employed by Dy. General Manager, ONGC, Ankleshwar on 11-7-85 and has worked there on dates and places mentioned as under :

1. 11-7-85 to 30-9-86 PTYS, GGS-II

2. 1-10-85 to 11-12-85 Security Section.

Further the case of the Union is that the Commission have invented a novel system of engaging workers on casual basis for a period of 90 days and then replacing them with new hands so that the workmen do not complete more than 240 days in 12 consecutive months and agitate for rights u/s 25-F of the I. D. Act. It is further the case of the Union that initially the concerned workman worked in PTYS/GGS-II and then in Security Section; that he worked in Security Section upto 11-12-85 and abruptly terminated him on 12-12-85 without assigning any reasons verbally or in writing. The Commission has engaged a number of casual workers in PTYS Section after 1985 and they have also engaged persons in Security Section after 11-12-85 and that action of the Commission was an act of circumventing the labour laws so that the concerned workman would be debarred for being qualified under the definition of continuous services as envisaged u/s. 25-B (2) of the I. D. Act. Further the case of the Union is that the concerned workman was paid wage rates under the Minimum Wages Act, but, in fact, the Minimum Wages Act is not applicable to the ONGC as work in ONGC is not a scheduled employment under Minimum Wages Act; that the concerned workman was performing the duties as a regular workman. The Union has then referred to an award in reference No. L-12012/322/83-IIA dated 11-7-84 passed by the Presiding Officer, Shri R. B. Srivastava, Central Industrial Tribunal, Kanpur and has contended that the action of the management in employing workmen temporarily for a period of 90 days was an unfair labour practice and, therefore, it is prayed that the impugned action of the ONGC in terminating the services of workman from 12-12-85 be declared as illegal, invalid and in-operative and that the concerned workman be reinstated in service w.e.f. 11-7-85 with continuity of service with full back wages and other benefits like increments, wage revision, etc.

3. Oil and Natural Gas Commission (hereinafter referred to as 'the Commission') has filed its written statement at Ex. 15 and contended as under : that the averments made in the statement of claim are not true and are not admitted, that the concerned workman, Shri D. M. Chauhan was for the first time engaged as a casual workman for cutting grass at the Production Yard (PTYS) which is situated near Ankleshwar. The workman was also employed w.e.f. July, 1985 and he worked for 21 days in June 85. The concerned workman was continued in employment as a casual workman in August, 1985 and he worked for 23 days and further he

was so engaged for 15 days in September, 1985. Thus the workman has worked as a casual labourer/worker as a grass cutter which was purely a casual work for 59 days and even during this period the workman was not engaged or employed continuously. He was engaged on a day-to-day basis and was paid on a daily rate. Further it is stated that the head of production business group was the competent authority to appoint workmen for the aforesaid work of grass cutting and accordingly he was engaged. Further the workman came to be engaged again purely as a casual worker on daily rated basis w.e.f. 1-10-85 in the colony which is situated near Ankleshwar for the work of driving out the cattle. The said work is also of casual nature and is only for some duration during monsoon season. He was thus employed for 27 days in October, 1985. It is further contended that the concerned workman was not able to cope up with the nature of work because of health reasons and, therefore, he requested that if a contract is giving in respect of the aforesaid work, it would be possible for him to undertake the same as in that event, it will be open for him to entrust a part of the work to some of his family members and in view of his request, he was engaged on contract basis for the aforesaid work of driving out the cattle from the colony for 29 days. Further, it is stated that after this period, there was no need to contract or to engage anyone on a casual basis for the aforesaid work. Thus the services of the concerned workman as a casual worker had come to an end at the end of October, 1985. Further the workman worked on a contract basis in November, 1985 and the contract was not renewed thereafter for lack of work. Further, it is not correct to say that the services of the workman were terminated directly by the Commission as alleged in the statement of claim as above. It is contended that the Commission has, not, in fact, engaged any worker even on casual basis for undertaking the work of grass cutting at the Yard immediately at any time during the year 1985 and that it has so far not employed any workman or person in respect of colony work of driving out the cattle. It is contended that the workman has worked as casual worker and his conditions of service were governed by the Certified Standing Orders for contingent employees. It is denied that the direction not to engage any workman for more than 90 days is given with a view to exploit the labourers. On the other hand, the direction has been given in order to control the employment or engagement and to see that proper procedures are followed for the engagement of different kinds of workers. It is further contended that since the concerned workman was employed on contract basis in 1985 there was no question of terminating his services abruptly on 12-12-85. It is not correct to say that the workman was paid minimum wages as fixed. On the other hand the workman was paid at the rate fixed for casual work by the Commission, which is higher than the minimum wage fixed under the Minimum Wages Act. It is also contended the various judgements of the various Courts are not relevant and it does not apply to the facts of the case. It is denied that the services of the workman were terminated by the Commission in violation of the principles of natural justice. It is not correct to say that the termination of employment of the workman would be illegal, invalid and void ab-initio and for all these reasons, it is contended that the concerned workman is not entitled to any of the reliefs.

4. In the present case, the oral and documentary evidence was led and thereafter I have heard the arguments of Mr. K. T. Trivedi for the concerned workman and Mr. B.B. Vakil for the Commission.

5. In the present reference, the concerned workman Shri D. M. Chauhan states in his evidence vide Ex. 28 that he has worked for 59 days from 11-7-85 to 30-9-85 in PTYS Section in the ONGC colony. Admittedly, he was appointed as casual labourer. He also states that he has worked in the ONGC colony for three months from 1-10-85 to 11-12-85 in the security section, further he admits in his cross examination and a joint Put his is also given in that respect vide Ex. 23 that he has worked for 21 days in July, 1986, 23 days in August 1985 and for 15 days in September, 1985. During these days, he has worked as a casual workman. Thus he has worked for 59 days from 11-7-85 to 30-9-85.

6. Akubhbhai Husainbhai Vakani, Ex. 34 is working as an Executive Engineer in ONGC and he has also stated in

his evidence that the concerned workman was working under him in PTYS section. He was employed for cutting grass and that work is a seasonal work. He has denied the fact that the concerned workman has worked in the Production Deptt. The concerned workman was merely a contingent a casual labour and according to him, he has only worked for 59 days and thereafter he has not attended the work. Mr. A.H. Vakani, Ex. 34 further stated that the concerned workman came to him and he has filled in the form and it was then submitted in the Administration Division. The concerned workman, it appears, has given an application for engagement on daily rated casual labour as per Ex. 45. This application is dated 3-7-87 and it appears that it was thereafter that he was engaged as daily rated casual worker and worked for 59 days as above.

7. The concerned workman further states in his evidence at Ex. 28 that he has worked in the ONGC colony from 1-10-85 to 11-12-85. In this connection, Shri V. T. Chauhan, vide Ex. 38 states in his evidence that the concerned workman has worked in the ONGC colony as a casual labour from 1-10-85 to 31-10-85. Admittedly, he was appointed during this period in the Security Section for driving out the cattle. This is also admitted in the joint pursis at Ex. 23. However, as stated earlier, the concerned workman states in his evidence that he has also worked in November, 1985 in the ONGC colony. Now so far as this fact is concerned, Mr. V. T. Chauhan, vide Ex. 38 states in his evidence that the concerned workman has worked as a casual labourer from 1-10-85 to 31-10-85 and thereafter he told him that on account of illness, he will not be able to do the entire work and, therefore, a contract be given to him to do the work, so that he may do that work personally or through someone else. He further states that he, therefore, orally gave a contract. He further states that the management had given him a right to employ two persons for driving away the cattle and further to check the entry of hawkers, etc. in the ONGC colony. He further states that accordingly he has preferred a bill for the period for which he has worked i.e. for 29 days and xerox copy thereof is at Ex. 37. It is true that there is no date on the voucher, but so far as the facts are concerned, there appears no dispute in as much as the concerned workman has not been able to show that he has worked for more days. The muster rolls are produced in this case vide Exs. 39, 40, 41, 42, 43 & 44 and it is clear from the same that the concerned workman seems to have worked as a casual labourer or as a contingent labourer for the period as shown in Ex. 23. As stated earlier, he has worked from 11-7-85 to 30-9-85 for 59 days in PTYS Section and further he has worked for 31 days in ONGC colony in the Security Section from 1-10-85 to 31-10-85. Thus he has only worked for 90 days during these period. Now as stated above, the case of the Commission is that in November, 1985, the concerned workman was given a contract in view of the fact that he was not keeping good health. Mr. V. T. Chauhan, Ex. 38 had an authority to employ two persons. Mr. K.T. Trivedi, the learned Advocate for the concerned workman has urged before me that the Commission should not have employed a person on contract basis. Now Mr. V. T. Chauhan, Sr. Inspector who was on deputation from B.S.F. since 1980 states that he had a right to give such a contract and it appears since the contract was only for a short period, especially in the rainy season for driving out the cattle, etc., the Officer, it appears, was within his right to employ or to give such a contract. In any case even if it is assumed that he had no such authority, at best, the concerned workman could be said to have worked as a casual/contingent labourer for 29 days and thus it would be said that he has worked in all for 119 days.

8. It is necessary to note that the concerned workman has worked in the PTYS Section only for 59 days and as stated earlier, he has worked in the ONGC colony in the Security Deptt. for 31 days. He has worked as a daily rated casual labourer and not in any other capacity and further as stated earlier, even if we add 29 days for which he has worked in November, 1985, the total days would be only 119. Now in that case also, the workman is merely a casual workmen and not even a temporary hand. The certified Standing Orders for contingent employees are produced alongwith Ex. 15. These certified Standing Orders do not apply to the regular

employees of the Commission. The classification of workmen is given in Clause-21 and it reads as under :

"2. (i) Classification of Workmen :—The Contingent Employees of the Commission shall here after be classified as :—

(a) Temporary, and

(b) Casual.

(ii) A workman who has been on the rolls of the Commission and has put in not less than 180 days of attendance in any period of 12 consecutive months shall be a temporary workman, provided that a temporary workman who has put in not less than 240 days of attendance in any period of 12 consecutive months and who possesses the minimum qualifications prescribed by the Commission may be considered for conversion as regular employee.

(iii) A Workman who is neither temporary nor regular shall be considered as casual workman."

9. It, therefore, follows from what has been stated as above that the workmen are classified as temporary and casual. Now in the instant case the workman has only put in 120 days and, therefore, as per Clause 2 (ii) as above, he cannot even be termed as a temporary workman as in that case, he must be on the rolls of the Commission for not less than 119 days in any period of 12 consecutive months. Clause-2(ii) clearly provides that a workman who is neither temporary nor regular shall be considered as casual workman. The Standing Orders further provide that it is only in the case of temporary workman that he shall be given atleast seven days' notice or in alternative wages for the said period in lieu of notice. This is what has been stated in Clause-14 of the Standing Orders as above. In view of what has been stated above in the instant case, the concerned workman was not entitled to any notice. Again it has also to be noted that in November, 1985 the concerned workman was given a contract and as soon as the contract period was over, the concerned workman was not employed or given a contract. According to Mr. V. T. Chauhan, Ex. 38, there was no necessity of employing such a person in the Security Section; in as much as they have constructed wall in the ONGC colony further the concerned workman was merely employed as casual or contingent workman and, therefore, it is clear that he was employed temporarily initially for grass cutting during the monsoon season and since there was no work, there was no necessity for the ONGC to give him a further employment or re-employment.

10. Mr. K. T. Trivedi, the learned Advocate for the concerned workman has urged before me that in this case the principles applied in reference (1) No. 61 of 1984 in the case of Shri Rajesh Kumar Tewari v. The Regional Manager, Region III, State Bank of India Lucknow would apply. Now it is necessary to note that in that case, the definition of temporary workman was referred to and it was found that the workman was not a casual one but a temporary workman and in that case a register was required to be maintained by the Bank and the service book should also be maintained and 14 days' notice was required to be served before termination. In the instant case, I have stated earlier, in view of the Standing Orders of the ONGC annexed alongwith written statement at Ex. 15, it is clear that the concerned workman has not completed 180 days during the period of 12 consecutive months and, therefore, he is merely a casual workman and not a temporary workman and as such the concerned workman was not entitled to any notice as contemplated under the Standing Orders. If his status was that of temporary workman, then as stated earlier, seven days' notice would have been necessary. Such is not the case here.

11. Further the provisions of Section 25-F or Section 25-H would not be attracted in as much as the Section 25-F is applicable only in case the workman employed in any industry he is in continuous service for not less than one year. Further the definition of continuous service is given u/s. 25(B) and Clause (2) of Sec. 25B so far as is relevant reads as under :—

"(2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer,—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(1) one hundred and ninety days in the case of a workman employed below grounds in a mine; and

(ii) two hundred and forty days, in any case,".

In view of this definition, it is clear that the concerned workman must have worked for 240 days in 12 calendar months preceding the date with reference to which calculation is to be made, and in such a case only, he may be deemed to be in continuous service for a period of one year.

In the present case, it is clear that he has only worked for 119 days as stated above and, therefore, it cannot be said that he has worked for a period of one year and, therefore, the provisions of Section-25F are not attracted.

12. The case of State Bank of India and N. Sundra Mony, 1970(32), SC, F.L.R., page 197 is not applicable in the instant case in as much as in that case the intermittent breaks notwithstanding, the total number of days of employment answered the test of 'deemed' continuous service within Sec. 25-B(2) of the I. D. Act, 1947 and, therefore, that decision is not applicable in the instant case.

13. Similarly the decision namely Management of M/s. Wilcox Buckwell India Ltd. and Jagannath & Others, 1974 (29), SC, F.L.R., page 173 is also not applicable. In that case, it was urged that the temporary workmen were employed only for doing a particular work and as soon as that work was finished, it was no longer necessary to give them any employment and, therefore, it was legitimate for the management to terminate their employment in terms of letter of appointment. However, that contention was not accepted by the Hon'ble Supreme Court in view of the facts of the said case. The Hon'ble Supreme Court, on the other hand, found in view of the admission made in the written statement and the evidence that there was no sufficient work for these employees and that they had become surplus. Their Lordships, therefore, referred to the decision in Digwaddih Colliery v. Their Workmen, 1965 (11) F.L.R., page 99 in which a Badli workman had worked for more than 240 days and, therefore, he was entitled to the benefit of the provisions relating to retrenchment. It was on that basis that the cases of the three employees were considered and the Hon'ble Supreme Court held that it was a case of retrenchment and, therefore, all benefits as provided under the relevant provisions of the I.D. Act should have been given and, therefore, the order of reinstatement was held as valid. In the instant case, as I have stated earlier, the concerned workman has merely worked for 119 days and in that view of the matter, I find it difficult to hold that he is entitled to any benefit in as much as Section 25-F read with Section-25B clearly provide that in any case, he must have worked for 240 days during the period of twelve calendar months preceding the date with reference to which calculation is to be made. If it were so, naturally the concerned workman would have been entitled to the benefit u/s. 25-F and in that case, he would also have been entitled to re-employment as per Sec. 25-H of the I.D. Act.

14. The decision namely Gujarat State Machine Tools Corporation Ltd. and Deepak J. Desai, 1987 (55), F.L.R., page 527 is also referred to by Mr. K. T. Trivedi, the learned Advocate for the Union. The said decision also is not applicable in as much as in that case the concerned workman has worked from 12-10-82 to 11-4-83 and he was discharged without following the procedures and it was in those circumstances that it was held that he was entitled to re-employment u/s. 25H of the I.D. Act. We do not have such facts in the instant case as the concerned workman has not worked for sufficient of days. In the circumstances, it appears to me that the relief of re-employment cannot be

granted to the concerned workman. In view of what has been stated as above, it is clear that the concerned workman has merely worked at best as contingent or casual labourer only for 119 days and that he was employed only for specified period and for doing the job of cutting grass, etc. and for driving away the cattle. He was employed in two different spells and in the circumstances, even assuming that he was employed as a casual or contingent labourer in the Security Department, that does not put his case on any better footing considering the number of days for which he has worked and, therefore, it appears that he is not entitled to any of the reliefs, hence I pass the following order :

#### ORDER

The reference is rejected with no order as to costs.

C. G. RATHOD, Presiding Officer

Sd/- (G. J. Dave)  
Secretary

Ahmedabad, 31st Jan., 1989

[No. L-30012/8/86-D. III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 13 फरवरी, 1989

का.आ. 429:—उपरोक्त संदाय अधिनियम, 1972 (1972 का 39) की धारा 7 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1323, दिनांक 20 अप्रैल, 1978 और का. आ. 1395 दिनांक 22 मार्च, 1982 का अधिसूचना करते हुए केन्द्रीय सरकार निम्नलिखित अनुसूची के स्तम्भ (2) में उल्लिखित अधिकारियों को, उक्त अनुसूची के स्तम्भ (3) में उनके सामने तत्स्थानी प्रविष्टियों में विनिर्दिष्ट क्षेत्र/अधिकार क्षेत्र के लिए तथा ऐसे सभी स्थापनों के संबंध में, जिनके लिए उक्त अधिनियम की धारा 2 के खण्ड (क) के अधीन केन्द्रीय सरकार मनुचित सरकार है, अपनी अधिकारी के रूप में विनिर्दिष्ट करती है।

#### अनुसूची

| क्रम संख्या                         | अधिकारी    | अधिकार क्षेत्र   |
|-------------------------------------|------------|--|
| 1                                   | 2          | 3  |
| 1. क्षेत्रीय श्रमायुक्त (केन्द्रीय) | अहमदाबाद।  | गुजरात राज्य और दादर, नागर हवेली, दमन तथा दीव संघ राज्य।   |
| 2. क्षेत्रीय श्रमायुक्त (केन्द्रीय) | अजमेर।     | राजस्थान राज्य।  |
| 3. क्षेत्रीय श्रमायुक्त (के. ),     | आसनसोल     | पश्चिम बंगाल, राज्य के बर्दवान, खीरभूम, बांकुरा और पुरुलिया जिले।  |
| 4. क्षेत्रीय श्रमायुक्त (के. )      | वंगलौर     | कर्नाटक राज्य।   |
| 5. क्षेत्रीय श्रमायुक्त (के. ),     | भुवनेश्वर। | उड़ीसा राज्य।  |
| 6. क्षेत्रीय श्रमायुक्त (के. )      | बम्बई      | (i) महाराष्ट्र राज्य (नागपुर, मंडरा, अकोला, अमरावती, बरधा, बुलढाना, जलगांव, चन्द्रापुर, गढ़चरोली, नानडेड, परभानी, योतमाल, ओसमानाबाद, नातूर और बिंद के सिविल जिलों को छोड़कर।<br>(ii) गोवा राज्य। |

| 1                                | 2          | 3  |
|----------------------------------|------------|--|
| 7. क्षेत्रीय श्रमायुक्त (के. )   | कलकत्ता।   | पश्चिम बंगाल, (बर्दवान, खीरभूम, बांकुरा और पुरुलिया के सिविल जिलों को छोड़कर), मिदिकम और ब्रंडमान एवं निकोबार द्वीप समूह संघ राज्य।  |
| 8. क्षेत्रीय श्रमायुक्त (के. )   | कोचीन।     | केरल राज्य और लक्षद्वीप संघ राज्य क्षेत्र।   |
| 9. क्षेत्रीय श्रमायुक्त (के. ),  | चंडीगढ़।   | हिमाचल प्रदेश, हरियाणा, पंजाब और जम्मू एवं कश्मीर राज्य और चंडीगढ़ संघ राज्य क्षेत्र।  |
| 10. क्षेत्रीय श्रमायुक्त (के. ), | धनबाद।     | बिहार राज्य (पूर्वी चम्पारन, पश्चिमी चम्पारन, सीतामढ़ी, मधुबनी, सहरसा, पूर्णिया, कतिहार, दरभंगा, समस्तीपुर, मुजफ्फरपुर, सोपलराज, बेगूसराय, वैशाली, सारन, सिवान भोजपुर, रोहतास, पटना, नासिन्दा, सिहभूम, रांची, पलामू, लोहारडागा, रुमला और औरंगाबाद के सिविल जिलों को छोड़कर)। |
| 11. क्षेत्रीय श्रमायुक्त (के. )  | गुवाहाटी।  | असम, नागालैंड, मेघालय, त्रिपुरा, मणिपुर, अरुणाचल प्रदेश और मिजोरम राज्य।   |
| 12. क्षेत्रीय श्रमायुक्त (के. ), | हैदराबाद।  | आन्ध्र प्रदेश राज्य और पांडिचेरी संघ राज्य क्षेत्र में यानम क्षेत्र।   |
| 13. क्षेत्रीय श्रमायुक्त (के. ), | जबलपुर।    | मध्य प्रदेश राज्य (छत्तवाड़ा, सियोनी और माण्डला सिविल जिलों को छोड़कर)।  |
| 14. क्षेत्रीय श्रमायुक्त (के. ), | कानपुर।    | उत्तर प्रदेश राज्य।  |
| 15. क्षेत्रीय श्रमायुक्त (के. ), | मद्रास।    | तमिलनाडु राज्य और पांडिचेरी संघ राज्य क्षेत्र (यानम को छोड़कर)।  |
| 16. क्षेत्रीय श्रमायुक्त (के. ), | नागपुर।    | महाराष्ट्र राज्य में नागपुर, भंडार, अकोला, अमरावती, बरधा, बुलढाना, जलगांव, चन्द्रापुर, गढ़चरोली, नानडेड, परभानी, योतमाल, ओसमानाबाद, नातूर और बिंद सिविल जिले और मध्य प्रदेश राज्य में छिदवाड़ा, सियोनी और माण्डला के सिविल जिले।   |
| 17. क्षेत्रीय श्रमायुक्त (के. ), | नई दिल्ली। | देहली संघ राज्य क्षेत्र।   |
| 18. क्षेत्रीय श्रमायुक्त (के. ), | पटना।      | बिहार राज्य में, पश्चिमी चम्पारन, पूर्वी चम्पारन, सीतामढ़ी, मधुबनी, सहरसा, पूर्णिया, कतिहार, दरभंगा, समस्तीपुर, मुजफ्फरपुर, सोपलराज, बेगूसराय, वैशाली,   |

| 1  | 2 | 3  | 1  | 2 | 3  |
|--|---|--|--|---|--|
|  |   | मारण, सिवान, भोजपुर, रोह-<br>ताम, पटना, नावन्दा, सिद्दभूम,<br>गोंडी, पालामू, मोहराखागा,<br>मुमला और श्रीरंगबाद के<br>सिविल जिले। | 8. Regional Labour<br>Commissioner (Central<br>Cochin.     |   | State of Kerala and Union<br>Territory of Lakshadweep.   |
| 19. नई दिल्ली स्थित मुख्यालय में<br>मुख्य अध्यायकृत (केन्द्रीय) के<br>अधीन क्षेत्रीय अध्यायकृत<br>केन्द्रीय। |   | सम्पूर्ण भारत।   | 9. Regional Labour<br>Commissioner (Central<br>Chandigarh. |   | The States of Himachal<br>Pradesh, Haryana, Punjab,<br>and J & K and the Union<br>Territory of Chandigarh. |
|  |   |  | 10. Regional Labour<br>Commissioner (Central)<br>Dhanbad   |   | State of Bihar excluding the<br>following Civil Districts: -<br>East Champaran, West Cham-                 |

[संख्या एस-70025-2/88-एस. एम. II (i)]

New Delhi, the 13th February, 1989

S.O. 429.—In exercise of the powers conferred by Sub-section (7) of section 7 of the Payment of Gratuity Act, 1972 (39 of 1972) and in supersession of the Notification of the Government of India in Ministry of Labour No. S.O. 1323 dated 20th April 1978 and S.O. 1395 dated 22nd March, 1982, the Central Government hereby specifies the officers mentioned in column (2) of the Schedule below to be appellate authority for the area/Jurisdiction as specified in column (3) of the said schedule in relation to all establishments for which the Central Government is the appropriate Government under clause (a) of section 2 of the said Act.

## SCHEDULE

| Sl. No.  | Officers   | Jurisdiction  |
|--|--|---|
| 1  | 2  | 3   |
| 1. Regional Labour Commissioner (Central) Ahmedabad.   | The State of Gujarat, and Union Territories of Dadra, Nagar Haveli, Daman and Diu.   | Commissioner (Central) Hyderabad.   |
| 2. Regional Labour Commissioner (Central) Ajmer.       | The State of Rajasthan.  | and the area of Yanam in the Union Territory of Pondicherry.  |
| 3. Regional Labour Commissioner (Central) Asansol.     | The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.  | 13. Regional Labour Commissioner (Central) Jabalpur.  |
| 4. Regional Labour Commissioner (Central) Bangalore.   | The State of Karnataka.  | 14. Regional Labour Commissioner (Central) Kanpur.  |
| 5. Regional Labour Commissioner (Central) Bhubaneswar. | The State of Orissa.   | 15. Regional Labour Commissioner (Central) Madras.  |
| 6. Regional Labour Commissioner (Central) Bombay.      | (i) The State of Maharashtra excluding the following Civil Districts:—<br>Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur and Bid.<br>(ii) State of Goa. | 16. Regional Labour Commissioner (Central) Nagpur.  |
| 7. Regional Labour Commissioner (Central) Calcutta.    | The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia, Sikkim and the Union Territories of Andaman and Nicobar Islands.   | 17. Regional Labour Commissioner (Central), New Delhi.  |
|  |  | 18. Regional Labour Commissioner (Central) Patna.   |
|  |  | The State of Madhya Pradesh excluding the Civil Districts of Chhindwara, Seoni and Mandla.  |
|  |  | The State of Uttar Pradesh.   |
|  |  | The State of Tamil Nadu and the Union Territory of Pondicherry (Except Yanam).  |
|  |  | The Civil Districts of Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded Parbhani, Yeotmal, Osmanabad, Latur and Bid of the State of Maharashtra and Civil Districts and Chindwars, Seoni and Mandla in the State of Madhya Pradesh. |
|  |  | Union Territory of Delhi.   |
|  |  | Civil Districts of West Champaran, East Champaran, Sitamari, Madhubhani, Saharsa, Purnia, Katihar, Dharbhanga, Samastipur, Muzzaffarpur, Gopalganj, Bagusarai, Vaishali, Saran, Siwan, Bhojpur, Rohtas, Patna, Nalanda, Singhbhum.  |

| 1  | 2               | 3   | 1  | 2   | 3 |
|--|-----------------|---|--|---|---|
|  |                 | Ranchi, Palamau, Lohardaga, Gumla and Aurangabad of the State of Bihar. |  |   |   |
| 19. Regional Labour Commissioners (Central), under the Chief Labour Commissioner (Central) at the Head Quarter in New Delhi. | Whole of India. |   | 8. इनाकुलम, कोचीन और त्रि-वेन्द्रम स्थित सहायक श्रमायुक्त (के.)                        | केरल राज्य और लक्षद्वीप संघ राज्य क्षेत्र ।   |   |
|  |                 |   | 9. चण्डीगढ़, रोहतक और जम्मू स्थित सहायक श्रमायुक्त (के.)                               | हिमाचल प्रदेश, हरियाणा, पंजाब और जम्मू एवं कश्मीर राज्य और चण्डीगढ़ संघ राज्य क्षेत्र   |   |
|  |                 |   | 10. धनबाद और हजारीबाग स्थित सहायक श्रमायुक्त (के.)                                     | बिहार राज्य (पूर्वी चम्पारन, पश्चिमी चम्पारन, सीतापाड़ी, मधुबनी, सहरसा, पूर्णिया, कतिहार, दरभंगा, समस्तीपुर, मुजफ्फरनगर, गोपालगंज, बेगूसराय, वैशाली, सारण, सिवान, भोजपुर, रोहतास, पटना, नालन्दा, सिन्धुभूम, राँची, पालामाऊ, लोहारबागा, गुमला, और श्री-रंगाबाद, सिधिल जिलों को छोड़कर) । |   |
|  |                 |   | 11. सुवाहाटी, डिब्रूगढ़ और मिल-चर स्थित सहायक श्रमायुक्त (केन्द्रीय)                   | असम, नागालैण्ड, मेघालय, त्रिपुरा, मणिपुर, अरुणाचल प्रदेश और मिजोरम राज्य ।  |   |
|  |                 |   | 12. हैदराबाद, विशाखापत्तनम, विजय-वाड़ा और मन्वारियल स्थित सहायक श्रमायुक्त (केन्द्रीय) | आन्ध्र प्रदेश राज्य और पाण्डिचेरी संघ राज्य क्षेत्र में यानम का क्षेत्र ।   |   |
|  |                 |   | 13. जबलपुर, जायपुर, भोपाल, रामपुर, गढ़वाल और बिलास-पुर स्थित सहायक श्रमायुक्त (के.)    | मध्य प्रदेश राज्य (छिंदवाड़ा सियोनी और माण्डला के सिविल जिलों को छोड़कर) ।  |   |
|  |                 |   | 14. कानपुर, लखनऊ, देहरादून और इलाहाबाद स्थित सहायक श्रमायुक्त (केन्द्रीय)              | उत्तर प्रदेश राज्य ।  |   |
|  |                 |   | 15. मद्रास स्थित सहायक श्रमायुक्त (केन्द्रीय)  | तमिलनाडु राज्य और पाण्डिचेरी का संघ राज्य क्षेत्र (यानम को छोड़कर) ।  |   |
|  |                 |   | 16. नागपुर, चन्द्रापुर और छिन्द-वारा स्थित सहायक श्रमायुक्त (के.)                      | महाराष्ट्र, राज्य के नागपुर, मंडारा, अकोला, अमरावती, बरधा, बुलढाना, जलगांव, चन्द्रापुर, गडचरोली, नानडेड, परभानी, मोतमाल, भोसमानाबाद, लातूर, और बिद के सिविल जिलों और मध्य प्रदेश के छिंदवाड़ा, सियोनी और माण्डला के सिविल जिलों ।   |   |
|  |                 |   | 17. नई दिल्ली स्थित सहायक श्रमायुक्त (केन्द्रीय)                                       | दिल्ली संघ राज्य क्षेत्र ।  |   |
|  |                 |   | 18. पटना, षडशासा और राँची स्थित सहायक श्रमायुक्त (के.)                                 | बिहार राज्य के पश्चिमी चम्पारन, पूर्वी चम्पारन, सीतागढ़ी, मधु-बनी, सहरसा, पूर्णिया, कतिहार, दरभंगा, समस्तीपुर, मुजफ्फर-पुर, गोपालगंज, बेगूसराय, वैशाली, सारण, सिवान, भोज-पुर, रोहतास, पटना, नालन्दा,  |   |

| 1  | 2 | 3   |
|--|---|---|
|  |   | मिर्जापुर, राँची, पालामाऊ, लोहरडागा, सुमला और श्रीरंगबाद के सिविल जिले। |
| 19. नई दिल्ली स्थित मुख्यालय में मुख्य श्रमायुक्त (केन्द्रीय) के अधीन सहायक श्रमायुक्त (के.) |   | सम्पूर्ण भारत।  |

[संख्या एम-70025/2/88-एल. एम.-I (ii)]  
ए. के. मट्टारानी, प्रवर सचिव

S.O. 430.- In exercise of the powers conferred by section 3 of the Payment of Gratuity Act, 1972 (39 of 1972) and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.O. 1394 dated the 22nd March, 1982. S.O. 4751 dated 13th December, 1984 and S.O. 713 dated 24th February, 1987 the Central Government hereby appoints the officers mentioned in column (2) of the Schedule below to be the Controlling authorities for the Area/Jurisdiction as specified in column (3) of the said schedule in relation to all establishments for which the Central Government is the appropriate Government under clause (a) of section 2 of the said Act.

#### SCHEDULE

| Sl. No.  | Officers   | Area  |
|--|--|---|
| 1  | 2  | 3   |
| 1. Assistant Labour Commissioners (Central). Ajmer, Jaipur and Kota.                                   |  | The State of Rajasthan.   |
| 2. Assistant Labour Commissioners (Central). Asansol and Raniganj.                                     |  | The districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal. |
| 3. Assistant Labour Commissioner (Central). Ahmedabad and Adipur.                                      |  | The State of Gujarat and Union Territories of Dadra Nagar Haveli, Daman & Diu.      |
| 4. Assistant Labour Commissioners (Central). Bangalore, Mangalore, Kolar-Gold Field (KGF) and Bellary. |  | The State of Karnataka.   |
| 5. Assistant Labour Commissioner (Central). Bhubaneswar and Rourkela.                                  |  | The State of Orissa.  |
| 6. Assistant Labour Commissioners (Central). Bombay, Vasco-Da-Gama and Pune.                           | (i) The State of Maharashtra excluding the following Civil Districts:—<br>Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chanderpur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur and Bid.<br>(ii) State of Goa. |   |

| 1  | 2 | 3  |
|--|---|--|
| 7. Assistant Labour Commissioners (Central). Calcutta.   |   | The State of West Bengal (excluding the Civil districts of Burdwan, Birbhum, Bankura and Purulia), Sikkim and the Union Territories of Andaman and Nicobar Islands.  |
| 8. Assistant Labour Commissioners (Central). Ernakulam, Cochin and Trivandrum.                           |   | The State of Kerala and Union Territory of Lakshadweep.  |
| 9. Assistant Labour Commissioners (Central). Chandigarh, Rohtak and Jammu.                               |   | The State of Himachal Pradesh, Haryana, Punjab and Jammu & Kashmir and the Union Territory of Chandigarh.  |
| 10. Assistant Labour Commissioners (Central). Dhanbad and Hazaribagh.                                    |   | State of Bihar excluding the following Civil Districts:—<br>East Champaran, West Champaran, Sitamarhi, Madhubani, Saharsa, Purnia, Katihar, Dharbhanga, Samastipur, Muzaffarpur, Gopalganj, Begusarai, Vaishali, Saran, Siwan, Bhojpur, Rohtas, Patna, Nalanda, Singhbhum, Ranchi, Palamau, Lohardaga, Gumla and Aurangabad. |
| 11. Assistant Labour Commissioners (Central). Guwahati, Dibrugarh and Silchar.                           |   | The States of Assam, Nagaland, Meghalaya, Tripura, Manipur, Arunachal Pradesh and Mizoram.   |
| 12. Assistant Labour Commissioner (Central). Hyderabad, Visakhapatnam, Vijayawada and Mancherial.        |   | The States of Andhra Pradesh and the area of Yanam in the Union Territory of Pondicherry.  |
| 13. Assistant Labour Commissioners (Central). Jabalpur, Jagdalpur, Bhopal, Raipur, Shahdol and Bilaspur. |   | The State of Madhya Pradesh excluding the Civil districts of Chhindwara, Seoni and Mandla.   |
| 14. Assistant Labour Commissioners (Central). Kanpur, Lucknow, Dehradun and Allahabad.                   |   | The State of Uttar Pradesh.  |
| 15. Assistant Labour Commissioners (Central). Madras.  |   | The State of Tamil Nadu and the Union Territory of Pondicherry (except Yanam).   |
| 16. Assistant Labour Commissioners (Central). Nagpur, Chandrapur and Chhindwara.                         |   | The Civil districts of Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur and Bid of the State of Maharashtra and Civil Districts of Chhindwara, Seoni and Mandla in the State of Madhya Pradesh.   |

17. Assistant Labour Union Territory of Delhi.  
Commissioners (Central)  
New Delhi.
18. Assistant Labour The Civil Districts of West  
Commissioners (Central) Champaran. Last Cham-  
Patna. Chaibasa and parani. Sitamari. Madhu-  
Ranchi. bhani. Saharsa. Purnia.  
Samastipur. Muzaffarpur.  
Gopalganj. Begusarai.  
Vaishali. Saran. Siwan.  
Bhojpur. Rohtas. Patna.  
Nalanda. Singhbhum.  
Ranchi. Palamau. Lohar-  
daga. Gumla and Auranga-  
bad of the State of Bihar.  
Whole of India.
19. Assistant Labour  
Commissioners (Central)  
under Chief Labour  
Commissioner (Central  
at the Headquarter in)  
New Delhi.

[No. S-70025/2/88-SS-II(ii)]

A.K. BHATTARAI. Under Secy.

नई दिल्ली, 13 फरवरी, 1989

का. अ. 431.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक आंदोलन, भुवनेश्वर के पत्राट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 13th February, 1989

S.O. 431.—In pursuance of the Section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government.

## ANNEXURE

## INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESHWAR

Industrial Dispute Case No. 39 of 1988(c)

Dated Bhubaneswar, the 6th January, 1989

## BETWEEN

The Management of Allahabad Bank, 15-C, Bapuji Nagar, Bhubaneswar....First Party-Management,

## AND

Their workmen represented by the General Secretary, All Orissa Allahabad Bank Employees' Union, 255 Bapuji Nagar, Bhubaneswar.—Second Party Workmen.

## APPEARANCES :

None—For both parties.

## AWARD

1. The Government of India in the Ministry of Labour Department in exercise of the powers conferred upon them under clause (d) of sub-section (1) of Section 10 of the In-

dustrial Disputes Act, 1947 (14 of 1947), have referred the following dispute vide their Order No. L-12011/4/88-D.II(A) dated 3rd, October, 1988 for adjudication:—

“Whether the demand of the Union that the employees of Allahabad Bank, Paradip Branch should be provided with House Rent subsidy at par with other local nationalised banks is justified? If so, what should be the quantum of such subsidy?”

2. The order of reference was received from the Government of India, Ministry of Labour on 26th October, 1988. The workmen did not file their statement of claim complete with relevant documents, list of reliance and witnesses in the Tribunal till 18-11-1988 inspite of such direction in the said order of reference. On 18-11-88 notice was sent to the workmen to file their statement of claim by special messenger but the workmen did not file the same till 5-12-1988. This case was posted to 3-1-1989 for hearing. Inspite of due service of notice on the workmen and the Management by special messenger intimatedly the date of hearing they remained absent on that day without taking any steps. In view of the non-appearance of both the parties and non-filing of the statement of claims by the second party-workmen, it can reasonably be inferred that at present, no dispute subsists between the parties. Hence a no dispute Award is passed, so far as this reference is concerned.

S. K. MISRA, Presiding Officer

[No. L-12011/4/88-D.II(A)]

नई दिल्ली, 22 फरवरी, 1989

का. अ. 432.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार युनियन बैंक आफ इंडिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नं. 1, बम्बई के पत्राट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-89 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1989

S.O. 432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 7-2-89.

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 AT BOMBAY

Reference No. CGIT-30 of 1987.

## PARTIES :

Employer in relation to the management of Union Bank of India.

## AND

Their Workmen.

## APPEARANCES :

For the Management.—Mr. J. M. Patel, Advocate.

For the Workmen.—Mr. Mishra, Advocate.

INDUSTRY : Banking.

STATE : Gujarat.

Bombay, dated the 8th day of August, 1988

## AWARD

The Central Government by an Order dated 26-6-1987, issued in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute for adjudication to this Tribunal :—



"Whether the action of management of Union Bank of India in relation to their Dudheshwar Branch in dismissing from service Shri K. G. Shah is justified? If not, to what relief is the workman entitled."

2. The workman Shri K. G. Shah, who was working as Clerk-cum-Cashier during the relevant period has been dismissed from service by an Order dated 28-11-1985, for wilful insubordination and disobedience of lawful and reasonable orders of the superiors, indecent behaviour on the premises of the Bank during office hours, abusing in a vulgar manner in the presence of others, failure to show proper consideration, courtesy and attention towards Officers, customers and other employees of the Bank and Unseemly and unsatisfactory behaviour while on duty. The allegations on which these charges are founded are contained in paragraphs 1 to 4 of the charge sheet (Ex. M-4) dated 10-1-1985. The allegations are as follows :—

"It has been reported against Shri K. G. Shah, Clerk-cum-Cashier, as follows :—

1. On 22nd December, 1984, at about 1.15 p.m. Shri K. G. Shah pointed out to Shri B. S. Amin, Officiating Accountant, the difference in the maturity value of a cumulative account. Shri Amin gave him necessary instructions. Thereafter, Shri K. G. Shah unnecessarily called out loudly to Shri Manoj Shah, Officiating Branch Manager and spoke to him in the following manner :

के. जी. शाह (क्लर्क) "मनोज मामी यहाँ आयिये. आज वो होज जैसी करेंगे।"

ये सुनकर मैं उनके टेबल के पास गया

के. जी. शाह (क्लर्क) "ये क्या है? ये क्यूमुलेटिव्ह अकाउंट में मैच्युरिटी बिल्यू जावा क्यू है?"

मनोज शाह (अकाउंटेंट) "दाखो मामी मैं देखता हूँ."

के. जी. शाह : "आपको कोई पता नहीं है। बेंचटोक आपका बेकींग खराब है. आपको नौकरी की पता नहीं है."

मनोज शाह : "भाई शांति से बोलो"  
और बाद में उनके टेबल से आपस लौटा."

2. On 28th December, 1984, Shri Shah refused to carry out the oral instructions of Shri B. S. Amin, Officiating Accountant, for taking balances of Savings Ledger No. 9. Shri Shah did not carry out instructions until he was instructed to do so in writing. Even then, before taking the balances of the said ledger, he entered into unnecessary/irrelevant arguments with Shri Amin.

3. On 4th January, 1985, at about 1.20 p.m. Shri K. G. Shah, while working in Current Deposit ledger No. 2 and Cash Credit ledger, removed the ledgers from the table, relevant vouchers, spike, etc. to the ground and sat on the ground and started working there. Since, his such behaviour was creating undesirable scene during the banking hours in the Branch, he was persuaded by the Branch Manager to occupy his table. Shri Shah, however, refused to occupy his table in a loud and defiant manner in presence of customers, and continued to work on the ground till 2.45 p.m. whereafter he got up from the ground and occupied his table along with the ledgers etc. Further, on that day, Shri K. G. Shah only partly took jottings of Current Deposit ledger No. 2 (He took jottings only of 518 pages out of total 1300 pages) and did not take at all jottings of Cash Credit Ledger which was his duty to do on every Friday during his normal working hours.

4. On 8th January, 1985, Shri K. G. Shah was required to post a cash cheque in Current Deposit Ledger No. 1, which he did not do. Shri Shah was, therefore, given written instructions by the Branch Manager vide memorandum No. DRS/STF: 115/85 dated 8-1-1985, to post the cash cheque as stated above. Shri Shah not only refused to receive the said memorandum from the Branch Manager but also did not obey the instructions given in the said memo.

Further, whenever any work is allotted to him, he is in the habit of unnecessarily arguing irrelevantly and excitedly with his superiors and also in the habit of complaining constantly about the work allotted to him.

Shri Shah is, further, reminded that in the past, on 24th May 1982, while working at Manek Chowk Branch, he had disobeyed the instructions of the Branch Manager, as a result of which disciplinary action was initiated against him. In view of his having voluntarily admitted the misconduct and accepted the proposed punishment, Shri Shah was punished with 'Stoppage of next annual increment for a period of one year'. In spite of this, there has been no improvement in his conduct which, in fact, has deteriorated."

2. By the same charge sheet-cum-show cause notice, the workman was informed that pending enquiry into the charges he was suspended from service of the Bank with immediate effect. The workman submitted his explanation (Ex. M-5) on 16-1-1985, as follows :—

"I am in receipt of your memorandum No. ZO[WZI] DP/293 dated 10th Jan. I give my explanation as under :—

On 22nd Dec. 1984 I pointed out to Shri B. S. Amin officiating Accountant, the difference in the maturity value of cumulative account. After three O'clock I had talk Mr. Manoj Shah, acting Branch Manager, regarding maturity value of the said account. Mr. Manoj Shah, did not like of my showing his mistake to Accountant. Moreover I also inform you that I had never use any bad language at the time of talks with Mr. Manoj Shah.

On 28th December as a Clerk of Bills Department, I had to finish daily routine work and had to take balance of entire bills department, cumulative ledger, GIC ledger Life long. On that day Mr. B. S. Amin, Officiating Accountant had allotted me to take balance of the Saving Ledger No. 9, I told accountant that I had to take the jotting of entire bills department and other ledgers like GIC, Life long, cumulative etc. It was not possible for me to take jotting for SB ledger no. 9 he insisted me to take the balance. Then after completing the routine work and taking the balance of C. P. Ledger, I had take the jotting of SB Ledger No. 9.

I admitted that it was my mistake to set down on the ground. This incident happened only because I had drawn the attention of Mr. Manoj Shah that due to shortage of space on the counter, it was very difficult to handle two ledgers i.e. current ledger and cash credit ledger. I demanded to sit another table to work efficiently, staff members of our Branch had given in writing to allotted separate table for current and C/C ledgers but two months passed Mr. Manoj Shah had not take any pain to draw the attention of higher authority nor he had provide me separate table. Under heavy pressure of work I lose my temper and set down on the ground for few minutes. I admitted that it was my mistake. I should not sat down on the ground. I assure you that such type of mistake will not be repeated in future.

On 8th January, 1985, I had also posted cash cheque in CD ledger No. 1, it was wrong allegation that I had not obeyed the instructions of Branch Manager. I have always worked for the instruction and I assure you that I will do my job honestly and sincerely.

Thanking you."

4. He submitted further explanation on 21-4-1985, in writing and made personal representation to the Superintendent (P), who taking into consideration the regret expressed by the workman for his behaviour and the assurance of proper conduct in future given by him vacated the suspension order as a special case. The enquiry, however, was not dropped and One Shri R. M. Joshi, Personnel Officer, attached to the Zonal Office at Ahmedabad was appointed disciplinary authority for taking disciplinary action against the workman and was requested to hold enquiry into the charges levelled against Shri K. G. Shah. The enquiry officer commenced his enquiry on 25-7-1985, and completed it on 17-8-1985. He recorded his findings on 18-10-1985 and granted personal hearing to the workman on 30-10-1985 in respect of the punishment proposed to be inflicted on the workman and passed the final order on 28-11-1985. The workman appealed against the order to the Deputy General Manager (P) who gave personal hearing to the workman and confirmed the order passed by the disciplinary authority.

5. The workman has challenged the dismissal order on various grounds. According to him, the enquiry officer conducted the enquiry in flagrant violation of elementary principles of Natural Justice and that no opportunity worth the name was given to him to defend himself. He also contended in his statement of claim that the enquiry officer, who conducted the enquiry, was not competent to issue the dismissal order. He also contended that even assuming that he had committed the alleged mis-conducts and that a proper domestic enquiry was conducted, the penalty imposed on him was disproportionately harsh and deserves to be quashed. According to him, the punitive action was taken to victimise him because he had brought to light tempering of the ledger and that the charge sheet was issued with preconceived notion of dismissing him from service.

6. In its written statement the Bank explained in details the procedure followed by the enquiry officer during the enquiry and asserted that full and fair opportunity was given to the workman to defend himself at the enquiry, that the workman availed of that opportunity to the fullest extent and that the disciplinary authority-cum-enquiry officer passed the dismissal order after taking into consideration all the relevant aspects of the matter. The Bank denied that the workman had complained about tempering of the ledger and that the memorandum of charges dated 10-1-1985 was issued vindictively. The Bank also maintained that having regard to the gravity of the mis-conduct proved, the past record of the workman and such other factors the order of dismissal passed against the workman was quite justified and that there is no warrant for interference with the punishment imposed on him. The Bank further maintained that the workman has been dismissed from service for proved mis-conduct meriting dismissal and that no extraneous or irrelevant considerations weighed with the management in inflicting the punishment.

7. At the hearing of the Reference, parties filed a persisting that the workman did not want to challenge validity of the enquiry and that both the parties did not want in lead any oral evidence on the remaining issues. They, however, prayed for liberty to file written arguments, which was granted.

8. Though the workman did not challenge the factum and validity of the enquiry, he contended that the findings recorded by the enquiry officer especially on the first charge, which is the main charge, are perverse. According to him, the oral evidence of three out of four witnesses examined by the management, as also the entire documentary evidence was irrelevant and that the evidence of the fourth witness Shri B. S. Amin, about the incident on which the first

charge is based, was discrepant and should not have been believed also because neither Shri Manoj Shah who was allegedly abused was examined, nor the report made by him in respect of the said incident was placed on the record of the enquiry.

9. It will be seen from the enquiry papers that the management representative proposed to examine the following four witnesses in support of the allegations :—

- "1. Shri N. C. Patel, Branch Manager, Ellisbridge Branch.
2. Shri D. J. Pandya, Branch Manager, Dudheshwar Rd. Branch.
3. Shri B. S. Amin, Officer Dudheshwar Rd. Branch.
4. Shri M. B. Shah, Officer, Zonal Audit Office, Ahmedabad."

He also proposed to substantiate the allegations on the following six documents :—

- "1. Memorandum No. DRB|STF|115|85 dt. 8-1-85 of Dudheshwar Road Branch.
2. Memorandum No. DRB|STF|113|84 dt. 28-12-1984 of Dudheshwar Road Branch.
3. Annual Confidential Report dated 30-9-1977 of Shri K. G. Shah written by Shri N. C. Patel, Branch Manager, Vallabha Vidyanagar Branch under cover of his letter No. CO|NCP|1332 dt. 30-9-1977.
4. Memorandum No. DP|WZI|3953 dt. 7-10-1977 of Superintendent, Dept. of Personnel, West Zone 1, Central Office, Bombay.
5. Annual Confidential Report dt. 30-4-1985 of Shri K. G. Shah written by Shri D. J. Pandya, Branch Manager, Dudheshwar Road Branch.
6. Memorandum No. 20|WZI|STF|3464|82 dt. 15-7-1982 of Zonal Office, Ahmedabad."

As mentioned above, Shri M. B. Shah (Manoj Shah) was not examined nor the report which is said to have made by him in respect of the incident, which is the basis of first charge, was produced to substantiate the said charge. The first two witnesses spoke about the Annual Confidential Report dt. 30-9-1977, in respect of the workman and the memorandum served on him on 7-10-1977. The third witness Shri K. M. Thakkar, (whose name was not mentioned in the original list) spoke about the memorandum served upon the workman on 15-9-1972 by which the workman's Annual increment was stopped for a period for One Year. All this evidence was irrelevant so far as proof of the charges levelled against the workman at the enquiry in question. The enquiry officer who was also the disciplinary authority was entitled to take into consideration the past record of the workman only for the purpose of determining the punishment to be inflicted on the workman and not for the purpose of proving the charges levelled against the workman.

10. Shri B. S. Amin was the omnibus witness who spoke about all the mis-conducts with which the workman was charged at the enquiry in question. It was contended on behalf of the workman that the enquiry officer was wrong in holding the first charge proved when the officer who was abused did not come forward to support the charge nor the report made by him was produced on record. It is true that Shri Manoj Shah was not examined though he was cited as a witness and the report said to have made by him in respect of the incident in question was not produced. As a matter of fact, the management did not even mention the said report as one of the documents on which the management wanted to rely. But the management led the evidence of Shri B. S. Amin, who witnessed the incident in which Shri Manoj Shah was abused. His evidence would not be rendered useless on the ground that Shri Manoj Shah himself was not examined. It is difficult to accept the submission that his evidence cannot be taken into consideration. The conduct of the workman in abusing Shri Shah, was not

only an offence against Shri Shah personally but it was also an act subversive of discipline. The management was therefore competent to prove the said charge by leading evidence of other witnesses who were present and heard the abuses.

11. It was urged on behalf of the workman that the evidence of Shri B. S. Amin, is so discrepant that it is not worth placing reliance at all. It was pointed out that this witness stated that the workman allegedly flung an insult at Shri Manoj Shah, by questioning him as to who made him a Bank Officer. This was never the case of the management and the version of the incident mentioned in the body of the charge is totally different. True it is that this witness was more enthusiastic about the whole affair and exaggerated the matter but he did state that the workman hurled the abuse "Benthok" ( बेन्टोक ) at Shri Manoj Shah. That was the only objectionable part of the whole incident as described in the charge and the evidence of Shri Amin substantially corroborated the official version on that point. Shri Amin, deposed also about the other three incidents and there was no reason for the enquiry officer to discard his testimony. As a matter of fact, as mentioned above the workman had expressed his regret about the lapses, to the Superintendent who on the basis of the assurance given by the workman that he would be have properly in future revoked the suspension pending enquiry. It is therefore difficult to accept the submission that the findings of the enquiry officer were perverse.

12. There is however great force in the contention that the punishment inflicted on the workman was disproportionately harsh and amounted to victimisation. No doubt the workman hurled an abuse which conveyed very obscene, insulting and bad meaning. But the abuse is so common place that many persons use it by force of habit without either understanding the meaning thereof or without any intention to convey the real meaning of the abuse. It is also pertinent to note that the workman gave that abuse while expressing his righteous indignation at the mistake in the calculations of maturity amounts which he wanted to point out to Shri Manoj Shah. Admittedly he had called Shri Manoj Shah for the specific purpose of showing him the mistakes in the calculations. So far as the second charge is concerned it is an admitted position that the workman did carry out the instructions when the instructions were given in writing. It is an admitted position that the workman was asked to do the work which was not a part of his normal duty. His insistence in getting written instructions cannot be viewed as a serious disobedience. The third charge shows that the management was out to make mountain out of a mole. It is amply proved that the workman did sit on the floor instead of at the table for writing the ledgers because he had sustained an injury to his hand and was not in a position to lift the ledgers, an exercise which he would have been required to carry out for the purpose of making entries in the ledgers while sitting at the table. It is a matter of evidence that he had already requested the Branch Manager to change his table for some days as he was experiencing pain in his hand, that in fact, as per his request, the place of his work was shifted but for some reason he was asked to sit at his usual place. It is, however, duly established that on that day the workman did not complete the work of C.C. Ledger. It was certainly a lapse on his part but it cannot be said that it amounted to misconduct. No doubt on 8th January, 1985, the workman ignored the oral instructions of the Branch Manager to post a particular cheque in C.D. Ledger No. 1, and he even refused to accept the written instructions in that behalf and did not post that cheque on that day as instructed. It is, however, pertinent to note that before the written instructions were issued the workman had already posted two such cheques in the C.D. Ledger. Shri Amin the star witness for the management has categorically admitted this position in his cross-examination. It is also an admitted position that the workman was asked to do the said work because the person working on C.D. Ledger No. 1, was on leave. Shri Amin has admitted that no message was received from the said person and that usually the Accountant or the Br. Manager awaits message from the workman till 12.00 to 12.15 p.m. As admitted by Shri Amin the workman had already posted some cheques even before 12.10 p.m. on that day. This obviously must have been on the basis of the oral instructions issued by the Branch

Manager and it is difficult to believe that the workman had refused to obey the oral instructions and hence it was necessary to issue instructions in writing. On this background the lapse on the part of the workman in not crediting one of the cheques in C.D. Ledger No. 1 cannot be viewed seriously. The workman has given an explanation in respect of this so called lapse. It is clear that the management was out to find fault with the workman in order to build up a case against him and that with this in mind made much of trifles.

3. Though in the written statement the Bank has categorically denied the position that on one previous occasion this workman had brought on record serious irregularities in the accounts of the Bank, in the written submissions made on behalf of the Bank, it is conceded that the workman had done so but that was in 1983. It is also pertinent to note that in the incident which is the basis of the first charge the workman had called the Assistant Manager to his table to point out the mistake in calculating the maturity value of deposits. On this background the attitude adopted by the management vis-a-vis the workman was certainly vindictive. As observed above trifling lapses on the part of the workman were clubbed together to build up a case against him. There is substance in the contention urged on behalf of the workman that he was victimised because he was diligent enough to detect and place on record mistakes in the accounts of the Bank. There could not therefore be worst case of victimisation than this and it certainly does not do credit to the management of a public sector undertaking like a nationalised bank. The punishment inflicted on the workman was disproportionately harsh even taking into consideration the fact that once in the past he was punished for insubordination and was given the punishment of stoppage of one increment. There is also substance in the contention that the enquiry was instituted with preconceived notion of dismissing him. This contention is substantiated by the fact that most of the evidences led by the management for proving the charges related to the past record of the workman. As a matter of fact, the management started with this evidence which the enquiry officer should have rejected at that stage.

14. In the result therefore I hold that the punishment inflicted on the workman was totally unjustified and that stoppage of one increment for a year or so would have been adequate punishment. I, therefore, quash the said punishment of dismissal and direct the management to reinstate the workman in service forthwith, with full backwages subject to stoppage of one increment for one year. Award accordingly.

M. S. JAMDAR, Presiding Officer

[No. L-12012/308/86-D. II(A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 14 फरवरी, 1989

का. आ. 433:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विषया बैंक लि. बंगलूर के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है,

New Delhi, the 14th February, 1989

S.O. 433.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Tribunal, The Labour Court Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management Vysya Bank Ltd. Bangalore and their workmen, Shri K. S. Pattabhiraman represented by General Secretary Vysya Bank Employees Union Bangalore.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL CUM LABOUR COURT AT BANGALORE

DATED 1st July, 1988

Central Reference No. 40/87

Old Central Reference No. 2/86

## PRESENT :

## I PARTY

Sri K. S. Pattabhiraman,  
Rep. by the General Secretary  
Vysya Bank Employees Union  
No. 489, Avenue Road  
Bangalore—560002.

VS

## II PARTY

The General Manager  
Vysya Bank Limited  
No. 72, St. Mark's Road  
Bangalore-560001.

## APPEARANCES :

For the 1st Party Sri V. Gopala Gowda, Advocate.

For the 2nd Party—Sri B. C. Prabhakar, Advocate.

## AWARD

By exercising its powers under Section 10(1)(d) of the I.D. Act, the Government of India, Ministry of Labour has made the present reference on the following point of dispute by its order No. L-12012 (8)/85-D. IV(A) dated 16th January 1986.

2. By a subsequent general order No. L-11025/A/87-D. IV(B) dated 13th February 1987, it has been transferred to this Tribunal. It is at Sl. No. 41. The point of reference is as follows:

## POINT OF REFERENCE

"Whether the management of Vysya Bank Limited, Bangalore, is justified in terminating the services of Sri K. S. Pattabhiraman with effect from 5-12-1983? If not, to what relief is the workman entitled to?"

3. The party Union has filed its claim statement and inter alia it is contended as follows. The I party is a registered union recognised by the II party bank. The workman Sri K. S. Pattabhiraman was appointed as a sub-staff with effect from 9-10-1972. He was discharging his duties honestly and diligently. He was served with a chargesheet dated 4-5-1976 alleging certain acts of misconduct. He was given one more chargesheet dated 31-1-78/1-2-78 alleging certain acts of misconduct. The charges were vague. He was kept under suspension with effect from 21-2-77. He gave his explanation. Sri Satyanarayana Rao, Joint General Manager and Sri P. Krishnamurthy, Manager (IR) were appointed as the Enquiry Officers. The domestic enquiries held against him are not valid. The Enquiry Officer was biased. The findings are perverse. Their findings are not supported by legal evidence. A Second show cause notice dt. 24-6-1983 was given to him. He sent his reply. Without considering his explanation, he has been dismissed by an order dt. 5-12-83. He preferred an appeal, but it was dismissed arbitrarily. The punishment of dismissal is highly disproportionate. The II party has indulged in unfair labour practice. Its action is violative of Articles, 14, 16, 21 and 23 of the Constitution of India. He may be ordered to be reinstated with consequential benefits.

4. The II party management has filed its counterstatement and inter alia it has been contended as follows.

The II party is a banking company. The I party workman was appointed as a sub-staff, i.e. Peon with effect from 9-10-1972. He committed certain acts of misconduct. The

chargesheets were issued to him. His explanations were not satisfactory. Two enquiries were ordered against him. The allegations in paragraphs 3 to 7 of the claim statement regarding domestic enquiries are not correct. The enquiries have been held in accordance with law and principles of natural justice. The Enquiry Officers were not biased. The allegation made in Paras 8, 9 and 10 are not correct. The findings of the Enquiry Officers are supported by valid reasons. They have acted in a fair manner. There is no defect in the chargesheets. The acts of misconduct shown in Clauses 19.5 and 19.7 are enumerative and not exhaustive. The Enquiry Officers have appreciated the evidence properly. They have taken into account the arguments placed before them. After consideration of the findings, show cause notice was issued to him. His reply was taken into account and thereafter the order of dismissal was passed. The acts of misconduct involved moral turpitude. The punishment is appropriate. No unfair labour practice has been committed. There is no violation of any provision of the constitution. He is gainfully employed elsewhere. The management has lost confidence in him. The reference may be rejected.

5. In view of the said pleadings, the following additional issues have been drawn up.

1. Whether the II party proves that they have conducted the Domestic Enquiry in accordance with the principles of natural justice and legally sustainable?

2. If the above issue held in negative/affirmative ;

(a) Whether the II Party proves the misconduct by leading evidence before this Tribunal?

(b) Whether the I party proves that the findings of the enquiry officer is perverse?

3. Whether the I party proves that the punishment is shockingly disproportionate and it is in contravention of Section 11-A of the I.D. Act ?

4. What order?

6. Additional issue No. 1 was taken up as a preliminary issue.

7. The management examined 2 witnesses and got marked Exs. M-1 to M-34.

8. The I party has examined the workman himself.

9. The parties were heard.

10. By a considered order dt. 30-11-87, it has been held that the domestic enquiries held against the I party workman are in accordance with the principles of natural justice of law.

11. The parties were then called upon to adduce evidence on rest of the issues and on the point of dispute and argue.

12. No evidence has been adduced thereafter. The parties have been heard and they have been permitted to file their written arguments. They have filed the written arguments also.

13. My findings on the additional issues and point of reference are as follows.

## Issue No. 2(a)

The question of leading evidence by the II party does not arise, since it is held that the domestic enquiries are valid.

## Issue No. 2(b)

It is not proved that the findings of the Enquiry officers are perverse.

## Issue No. 3

## NO

## Issue No. 4 and Point of Reference

The order of dismissal passed by the I party dt. 5-12-83 is valid and the I party workman is not entitled to any relief.

### REASONS

Issue 2(b)—Chargesheet dt. 4-5-1976, (Ex. M-12).

14. Perversity has 2 tests. The first is whether the findings recorded by the Enquiry Officer is based on legal evidence. The second test is whether on the basis of the material placed on record any reasonable person would be arrived at the findings complained of. If there is evidence on record and if it is acceptable and should be relied upon, then the conclusion arrived at cannot be termed as a perverse. If the conclusion arrived at by the Enquiry Officer is reasonable, the Tribunal will not be justified in interfering with such a decision on some abstract basis. A finding cannot be called as perverse, because in certain matters, the line of reasoning adopted by the Enquiry Officer is not cogent or logical. In deciding the question as to whether a particular conclusion of fact is perverse or not, the Tribunal will not be justified in weighing the evidence for itself and determining the question of perversity contrary to view arrived at by the Enquiry Officer in the light of its own findings on the question of facts. In the case of Banaras Electric Light and Power Co. Ltd. Vs. Labour Court (1972) (2) I.L.J. (Page 328) it has been laid down that in the domestic enquiry if once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence.

15. Keeping in view the aforesaid principles that have been laid down by the Hon'ble Supreme Court and Hon'ble High Courts in a number of cases, the facts of the present case require to be analysed and discussed.

16. The I charge sheet issued to him is at Ex. M-12 dt. 4-5-1976. Stated briefly, the allegations are that on 3-4-1974 at about 3.30 p.m. one Sri V. Kannan, Retired Deputy Superintendent of Police residing at Ulsoor, Bangalore had not the Manager of Avenue Road Branch with a view to invest a sum of Rs. 10,000 in Fixed Deposit and then the Manager called one Sri B. S. Hanumantha Rao, the concerned Clerk and instructed him to prepare a challan and take necessary application from the party and to comply with other formalities. It is further alleged that accordingly the Clerk filled the application and challan for Rs. 10,000 and sent the cheque given by the party, which was a self-bearer cheque drawn on the Syndicate Bank, Ulsoor Branch together with the Fixed Deposit challan to the clearing department for collection through the I party workman K. S. Pattabhiraman. It is alleged that on 9-4-74 when the said Sri Kannan called at the bank to collect the deposit receipt, the Clerk reported to the manager that he could not trace any reference for the realisation of the cheque and the challan and on enquiry it was disclosed that the bearer cheque had been presented at Syndicate Bank, Ulsoor Branch on 4-4-74 by a person who signed as Sundr and the same was encashed. It is then alleged that the workman Pattabhiraman stated that he had given the cheque and other papers to Sri G. H. Aswatha Setty, but the latter denied of having received the same. It is further alleged that on account offered or on account of grave negligence the bank sustained loss of Rs. 10,000 and he was called upon as to why disciplinary action should not be taken against him. There is no dispute on the point that the workman denied the charges and thereafter an enquiry has been held. Since a finding has been already recorded that both the enquiries have been held in accordance with the law, the first point that requires to be examined is whether the report of the Enquiry Officer of the first enquiry Ex. M-28 is based on legal evidence or not.

17. The first enquiry was held against all the 3 concerned persons viz., B. S. Hanumantha Rao, G. H. Aswatha Setty and the I party K. S. Pattabhiraman. During the pendency of the enquiry Sri Hanumantha Rao expired. Thereafter the recording of evidence has commenced on 21-7-1978. The witnesses examined by the Enquiry Officer are PW-1 Sri B. Suryanarayana Rao, PW-2 Sri V. Kannan, PW-3 Sri K. M.

Upadhyaya and PW-4 Sri T. N. Gopala Rao. The documents relied upon by the Enquiry Officer are Exs. M-1 to M-20. In the written arguments of the I party, there is no contention that the evidence of all these 4 witnesses or any document out of Exs. M-1 to M-20 (as marked by the Enquiry Officer) was no evidence at all or that any part of the said evidence was admitted wrongly. It is thus obvious that the first enquiry cannot be held to be perverse on the ground that it is based on no evidence at all.

18. The next question would be whether any reasonable person could have arrived at the finding complained of on the basis of the oral evidence of the said 4 witnesses and the documents at Exs. M-1 to M-20. The evidence of PW-1 B. Suryanarayana Rao is to be found from page 38 in the file of the first enquiry Ex M-2. He was the then Manager of the Avenue Road branch. His evidence, in brief, is that on 3-4-1974 Sri V. Kannan gave a self-bearer cheque of Rs. 10,000 on Syndicate Bank, Ulsoor branch for fixed Deposit and then he called Hanumantha Rao, the concerned clerk and instructed him to take the challan, application form and cheque and that soon after he left he heard Hanumantha Rao calling Pattabhiraman and then Kannan told him that he would collect the Fixed Deposit Receipt some 2 or 3 days later and left the room. His evidence further runs that on 9-4-74 that at about 3.30 p.m. Sri Kannan came to collect the receipt and then he called Hanumantha Rao and asked him to give Sri Kannan the receipt and Sri Hanumantha Rao went away and returned within a few minutes saying that he did not receive the challan from the clearing department and he was told by the clearing official that there was no entry in the books of the bank in that connection. Since Sri Aswatha Setty was on leave on that day, it appears that Sri Kannan was requested to call on the next day. However, the evidence of Suryanarayana Rao shows that he instructed T. N. Gopal Rao who was the next Officer to contact Syndicate Bank, Ulsoor and find out about the fate of the cheque and caution them if necessary. After sometime, it was found that the cheque of Kannan had been encashed on 4th April 1974 in the morning hours and immediately he informed the matter to the Chairman. He has also lodged a complaint on 21-4-74. The complaint is marked as Ex M-1. In the written brief filed by the I party workman at Ex. M-26, it was contended that the evidence of Sri R. M. Upadhyaya and T. N. Gopala Rao was not relevant. The said contention is not sustainable, as would be discussed later.

19. The evidence of PW-2 Sri V. Kannan is the same as that of Suryanarayana Rao that he had gone to the Avenue Road branch for making a fixed Deposit of Rs. 10,000 and gave a self-bearer cheque and that Hanumantha Rao was called and instructed about it and after Hanumantha Rao prepared the concerned documents he called the workman Pattabhiraman and handed over the documents to him to give the same to the clearing department. Regarding the fact that he had gone to the Bank to collect the receipt on 9-4-74, his evidence is similar to that of PW-1 Suryanarayana Rao. The fact that the challan, cheque and the relevant documents were given by Hanumantha Rao to the I party workman Pattabhiraman has been thus established by independent testimony of Sri V. Kannan.

20. PW-3 Sri Upadhyaya is the Manager who succeeded PW-1 Suryanarayana Rao. His evidence is on the point that the bank had to issue a deposit receipt for Rs. 10,000 for Sri V. Kannan since the cheque had been lost. It cannot be said that the evidence of PW-3 Upadhyaya is not relevant since it proved the ultimately the bank suffered loss of cheque of Rs. 10,000 since the cheque given by Sri V. Kannan had been encashed by somebody else.

21. The evidence of Sri T. N. Gopala Rao is on the point that on 9-4-74, the matter came to light that the cheque given by Kannan was not given to the clearing department and he contacted the Manager of the Syndicate Bank, Ulsoor giving him the cheque number and other particulars and he was told that the cheque had been already encashed on the morning of 4-4-74 itself. The evidence of Gopala Rao further shows that when he questioned Hanumantha Rao, he told that the cheque received from the depositor was sent by him to the clearing department through Pattabhiraman. The evidence of Sri Gopala Rao is thus pertinent in showing that Hanumantha Rao had told him at the earliest point of time

that he had sent the cheque to the clearing department through the I party workman Pattabhiraman. The evidence of Sri Pattabhiraman recorded by the Enquiry Officer is from page 123. To the question whether Hanumantha Rao had given him the challan and cheque, Pattabhiraman has stated that he had already stated in his letter dt. 10-4-1974 about the said fact and he admits about the correctness of Ex. M-4, Ex. M-4 dt. 10-4-74 given by the I party workman shows that on 3-4-74 at about 4 p.m. Sri B. S. Hanumantha Rao gave him a cheque for Rs. 10,000 drawn on Syndicate Bank with a challan and asked him to hand over the same to the clearing department. He further states that he took the same to the said department and handed over the cheque and the challan to C. H. Aswatha Setty, the officer incharge. On page 24, he further concedes that he had personally handed over the cheque to Aswatha Setty. Since Sri Hanumantha Rao was no more by that time, the Enquiry Officer has recorded the statement of Sri Aswatha Setty. His evidence is on page 123. He states that on 3-4-74, he was an officer in the clearing department, and adds that the workman Sri Pattabhiraman did not hand over any cheque of Rs. 10,000 to him on that day. The complaint given by PW-1 to the police on 11-4-1974 makes it very clear that till that time the versions of the 3 persons were that Hanumantha Rao had given the cheque and challan to the Pattabhiraman and Shri Pattabhiraman contended that he had given them to Sri Aswatha Setty, but Sri Aswatha Setty had denied about it. In the usual course of business, if a cheque and challan are received by the clearing department, they find entries in the relevant document. Since the relevant documents do not disclose the receipt of cheque or challan on 3-4-74 at about 4 p.m. I find that the reasoning adopted by the Enquiry Officer in accepting the contention of Aswatha Setty that he had not received them is consistent and supported by independent evidence as against the contention of the I party workman that he had given the cheque and challan to Aswatha Setty then and there itself Ex. M-3 at page 225 shows that on 10-4-74 itself Aswatha Setty gave in writing to the bank that on 3-4-74 Pattabhiraman did not handover to him the cheque or challan of Rs. 10,000 for the presentation to the clearing department. Sri Aswatha Setty has reiterated his contention in his explanation to the charge Memo Ex. M-12 dt. 7-5-1976. On the one hand, there is the evidence of PW-1 Suryanarayana Rao and PW-2 Sri V. Kannan and the explanation of late Sri Hanumantha Rao and PW-2 Shri Kannan had given the cheque of Rs. 10,000 to the bank along with the Fixed Deposit application and that Hanumantha Rao had received all the said 3 documents. It is further proved from the explanation of Hanumantha Rao and the evidence of PW-2 Kannan that the cheque and challan were given to the workman Pattabhiraman crowning all these facts, there is the admission of Pattabhiraman himself at Ex. M-4 (as marked by the Enquiry Officer) that on 3-4-74 at 4 p.m. Hanumantha Rao had given to him cheque for Rs. 10,000 drawn on the Syndicate Bank along with the challan. On the other hand, there is the explanation of Aswatha Setty at Ex. M-3 and his statement made before the Enquiry Officer that on 3-4-74 Sri K. S. Pattabhiraman did not give him any cheque or challan of Rs. 10,000. It appears in the evidence of PW-1 Suryanarayana Rao that when Shri Kannan approached him on 9-4-74 to receive the F. D. receipt, he called Hanumantha Rao and Hanumantha Rao on due verification reported that the challan and cheque had not been received at the clearing department and since Aswatha Setty was on leave. Sri Suryanarayana Rao, the Branch Manager waited to know from him whether the cheque had been misplaced in the clearing department itself. On 10-4-1974 when Sri Aswatha Setty had attended the office, all the three concerned employees, viz. Sri Aswatha Setty, Sri Hanumantha Rao and Sri Pattabhiraman were asked to give their statements in writing and all of them have given the same in writing. Aswatha Setty cannot be called upon to prove a negative thing, that he did not receive any challan or cheque for Rs. 10,000 whereas Sri Pattabhiraman has the onus of establishing that he did give the challan and cheque of Rs. 10,000 to Aswatha Setty, as contended by him. The application given by Sri Kannan for Fixed Deposit had remained with Hanumantha Rao and it was produced it before the Manager on 10-4-74 when he gave his explanation. The record discloses that the cheque of Rs. 10,000 given by Shri V. Kannan and which has been encashed at the Syndicate Bank branch of Ulsoor does not bear any mark to show that it had been given to the Vysya Bank, Avenue Road

Branch. The representative of Aswatha Setty has elicited from the cross examination of PW1 Suryanarayana Rao that until the present incident not even a memo has been issued to Aswatha Setty and Aswatha Setty had been working in the bank since several years and had achieved some promotions also. From the evidence of PW 1, it has been elicited that the record of Pattabhiraman is not good. The learned counsel for the I party referred to the case of Deonath Dudhnath Mishra, Vs. The State of Maharashtra (AIR 1967, Bombay Page (1) and contended that mere status or riches of the witness have no relevance regarding his credibility. The Enquiry Officer has accepted the evidence of Aswatha Setty on the ground that he was a seniormost employee of the bank and the II party had not come across any inadequacy in the performance of his duties and thus he was reliable. The evidence of Aswatha Setty has not been accepted only on the ground that he was a rich man and or that he was holding the post of an officer in the clearance department, but it is accepted on the ground that he had a clean record and no inadequacy is found in the performance of his duties till 10-4-74. Since the context in which the said principal has been laid down in the aforesaid authority is different, I do not find that it has any bearing for accepting the evidence of a witness on the ground that the performance of his duties were quite satisfactory. It is a valid ground, I cannot, but reiterate that it was impossible for Aswatha Setty to prove a negative fact that he never received any challan or cheque of Rs. 10,000 on 3-4-74. It is not the case of the I party Pattabhiraman that after Aswatha Setty received the cheque and challan from him, he dealt with them in an unusual manner without making relevant entries regarding the said document in the relevant records. The fact that the cheque of Rs. 10,000 does not bear any mark that it had been given to the Vysya Bank, Avenue Road Branch rules out the possibility of the cheque having, ever been received by Aswatha Setty. Thus, the circumstantial evidence is fool-proof to establish that the I party workman Pattabhiraman is responsible for missing of the challan and the cheque. There is no dispute on the point that the bank has lost Rs. 8,000 out of the cheque amount of Rs. 10,000, Rs. 2,000 having been received from the Insurance Company.

22. The learned counsel for the I party has contended in the written Arguments that there is no evidence to show that the workman Pattabhiraman has encashed the cheque at Syndicate Bank, Ulsoor on 4-4-84 and thus no misconduct can be alleged against him. The point in question is not whether he has himself encashed or got it encashed through somebody else, but whether he ever gave the cheque and challan to Aswatha Setty at about 2 p.m. on 3-4-74. The contention does not hold water.

23. The learned counsel for the I party has contended in his written arguments that there is no circumstantial evidence to show that the I party Pattabhiraman has himself or through somebody got the cheque encashed at the Syndicate Bank, Ulsoor and therefore the alleged act of misconduct of fraud has not been established. There is no dispute on the point that the cheque of Rs. 10,000 has been encashed at the Syndicate bank, Ulsoor on 4-4-74 by someone who has signed his name as Sunder. Now, a finding has been recorded that it was Pattabhiraman who has the responsibility to explain about the missing of the cheque and the challan since the contention of Aswatha Setty that he did not receive the same has been accepted. The evidence on record does not lead to any other inference but to that Pattabhiraman has the responsibility to explain about the missing of the cheque and the challan, if not for the encashment of the cheque. Even if it is held that he was not responsible for the encashment of the same, he cannot escape the consequence that the cheque was lost and consequently the bank has suffered loss of Rs. 8,000 and for the explanation on his part about the missing of the cheque and the challan. The learned counsel for the I party has placed reliance on the case of Narayan Mahapatra Vs. General Manager, S.E. Rly. (1969) Lab. I.C. (Page 896). The authority is on the point that in a domestic enquiry though technical rules of criminal trial are not applicable, yet more suspicion should not take the place of proof. There can be no two opinions regarding the principle laid down in the authority. The facts at hand show that not only the bank has proved against the workman



that cheque and the challan had been given to him for being given to the clearance department, but also there is his own admission. The bank has then proved that Pattabhiraman did not give them to Aswatha Setty as contended by him. Thus it is not a case of mere suspicion or surmise. The authority is not helpful to him.

24. The learned counsel for the I party then placed reliance on the case of *Gian Mahtani Vs. State of Maharashtra* (1971 (2) Supreme Court Cases (Page 611)). The authority has laid down the principle that suspicion cannot take the place of proof and moral satisfaction of the conscience of the court cannot be the basis of conviction and that the chain of the circumstantial evidence must be complete before conviction can be recorded. The principles are laid down with reference to criminal trials. There need not be proof beyond all reasonable doubt in a case tried in a domestic enquiry. All the relevant principles have been already brought out on record at the commencement of the award itself. I, therefore, find that the authority has no impact.

25. The learned counsel for the I party then referred to the case of *Charan Singh Vs. The State of Uttar Pradesh*. (AIR 1967 S.C. page 520). The authority is on the same point that in a criminal trial the chain of circumstantial evidence must be complete and that the proof must be inconsistent with the innocence of the accused person. I cannot but repeat that the principles applicable to a criminal trial cannot be invoked by a person in a domestic enquiry.

26. The learned counsel for the I party has cited the case of *Anil Kumar Vs. Presiding Officer and Others* (1986 (1) I.L.J. (Page 101)). The authority is on the point that the Enquiry Officer should assign reasons for his conclusion and if there are no reasons, the findings cannot be accepted. The Enquiry Officer, in the present case has given consistent and cogent reasons for holding the I party workman guilty. I, therefore, find that the authority has no bearing.

27. The learned counsel for the I party has contended that the Enquiry Officer has shifted the burden on the workman to prove that he had handed over the cheque to Sri Aswatha Setty and therefore there is an error of law. It is not a case where the burden of proof has been laid or shifted on I party workman Sri Pattabhiraman, but it is a case where the management having proved that the cheque and challan were given to the I party Pattabhiraman and he now having stated that he had given them to Aswatha Setty and the management having established that Aswatha Setty had not received them from Pattabhiraman, the question was how far Pattabhiraman, has explained for the missing of the cheque and the challan. Under such circumstances, I do not find that the Enquiry Officer had put the burden on the I party workman to prove that he had handed over the cheque and challan to Aswatha Setty. It has been then contended in the written arguments that the Enquiry Officer has taken into account the fact that another enquiry was pending against Pattabhiraman and thus the reasoning adopted by him is not logical. Since the Enquiry Officer was called upon to accept the version of the workman Pattabhiraman that he had given the cheque and challan to Aswatha Setty on one hand or the contention of Sri Aswatha Setty that he had not given them to him on the other hand he had accepted the explanation of Sri Aswatha Setty are for that purpose to be explained about the antecedents of both the persons till that date. However, even if the facts that another charge sheet was issued and an enquiry was pending against Pattabhiraman are ignored, the rest of the evidence and material placed on record was convincing enough to record the said findings and I do not find that the findings of the Enquiry Officer are perverse.

28. The learned counsel for the I party had then contended that the self-serving statement of Sri Aswatha Setty has been accepted and thus there is error in the finding of the Enquiry Officer. As observed earlier a person cannot be called to prove a negative thing and Sri Aswatha Setty had no burden to prove that he had not received the cheque and the challan from Pattabhiraman. I do not find that the

Enquiry Officer has not applied the principles of law properly while appreciating the evidence.

29. The learned counsel for the I party contended that if the incident alleged to have taken place on 4-4-74, the charge sheet has been issued on 4-5-1976 and therefore there is inordinate delay and that the enquiry is vitiated only on account of delay itself. He relied upon the case of *M.D. Parmar Vs. Y. B. Zala and another* (1980) J. L.L.J. (Page 200). The authority is on the point that taking into account the facts and circumstances of the case, the delay of 1-1/2 years was fatal and the workman was denied all reasonable opportunity to defend himself. The facts of the reported case would disclose that the allegations against the petitioner Police Constable was that he had remained absent for the morning parade and on some other occasion he was not found when the roll was taken in the court of 1 month between 15-11-71 and 15-12-71 and then departmental enquiry was initiated and charge sheet dt. 18-5-73 was issued. It was argued that it would not be possible to dig out from the store of memory the cause for alleged failure and to explain the same or to justify the failure under such circumstances, it has been held that the issue of charge sheet of 1-1/2 years was a denial of reasonable opportunity. The facts of the present case would disclose that on 11-4-1974 itself the Manager had given a complaint to the police and the management had to wait the outcome of the investigation by the police. If the management had issued the charge sheet, under such circumstances on 4th May 1976, I do not find that there was any denial of reasonable opportunity. The I party workman had been told about the matter on 10-4-76 itself and he was called upon to give his statement. It is not as though he was called upon to dig out from his memory about the relevant facts between 3-4-74 and 4-5-1976. Therefore, I am of the view that the authority cannot be pressed into service in favour of the I party.

30. The charge memo at Ex. M-12 states that the I party workman is guilty of grave negligence or fraud and on account of such misconduct the bank has suffered loss. Clause 19.5(j) of the Bipartite Settlement states that doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss is gross misconduct. From the evidence placed on record, I find that the Enquiry Officer was justified in holding that the I party workman is guilty of the misconduct as defined in Clause 19.5 (j).

Regarding II Enquiry of the Chargesheet dt. 31-1-78

31. The Charge sheet regarding the II enquiry is at page 1 of the second file. The charge sheet of the second enquiry is dt. 31-1-78/1-2-1978. It is at page 1 of the second file. The allegations against the I party workman, in brief, are that at the relevant time he was working as a Peon in the Avenue Road Branch and that specimen signature cards of the constituents of the bank are kept in a box in a place adjacent to the clearing room and Krishna Murthy, Officer in charge of the current account section was in custody of the key of the said room. The practice was that whenever any signature on any cheques was required to be compared, Sri Krishna Murthy used to hand over the bunch of keys to the workman and he used to open the box, take out the relevant card and produce it for comparison and after comparison re-deposit the same in the box and hand over the key to Sri Krishna Murthy. Normally, no other employee had any access to the said box. M/s. Pathi Bhaskariah and Bro., a firm which is one of the account holders of the Bank used to get printed on each leaf of the cheque book their name and title for operating a current account. These cheque books are kept along with other cheque books and the key of the almirah used to in the custody of Krishna Murthy and whenever a cheque book was required, he used to give the keys to the workman and the workman used to open the almirah take out the required cheque books, lock the same and return the bunch to Krishna Murthy. No other employee had access to the said almirah, on 18-10-76, M/s. Pathi Bhaskariah & Bro. sent a letter with their representative for issue of 5 cheque books each of 100 leaves from Nos. 222001 to 222500. As per the practice the key was handed over to the workman to bring the 5 cheque books and he brought the 5 cheque books. He

affixed the counter seal as 2A and took the same to Smt. Shantha N. Rao and she returned them to the workman with the cheque Issue Register to make relevant entries. The workman then handed over the same to Sri Krishna Murthy and he put his initials in the register. hereafter the cheque books were given to the representatives of the firm. On 12-10-76, the workman attended to the office and then applied for 4 days sick leave from 13-10-76 to 16-10-76 and extended the same till 19-10-76. On 16-10-76, bearer cheque No. 222465 for a sum of Rs. 7,500 purporting to have been drawn by Sri P. A. Nanda Kumar one of the partners of the said firm in favour of one Rangappa was presented by a person at counter 2A and it was honoured. It was noticed that the counter seal 2A was not there. When the bank statement was sent to the firm, the firm complained that cheque bearing No. 222465 for Rs. 7,500 had not been drawn by any partner, and that the firm was using the cheque from 222101 ending with 222200. They further complained that another cheque leaf bearing 222156 and its counterfoil were missing from the cheque book. On finding that the signature of P. A. Nanda Kumar had been forged, the bank hurried to examine the card of the specimen signature, but it was missing. It was alleged that taking advantage of his position in the bank, he had removed the cheque leaves from the cheque books and had forged cheque No. 222465 and with the connivance of some person encashed and got Rs. 7,500 and to facilitate his said activity he had removed the specimen signature card of Nanda Kumar and had thus committed acts of misconduct of criminal breach of trust, theft or fraud and forging a cheque and encashing of the amount and also committed acts subversive of discipline. The explanation of the I party Pattabhiraman is at Ex. M-3. He has denied the charges and has requested the management to revoke the order of suspension. Since the workmen denied the charges, the Bank ordered for an enquiry and subsequently an enquiry has been held against him. As observed earlier, this Tribunal has held that the enquiry held against him is valid and in accordance with the law.

32. The learned counsel for the I party contended that the findings of the Enquiry Officer regarding charge sheet Ex. M-2 are perverse. The report of the Enquiry Officer is between pages 404 and 439 in the file. It is marked as Ex. M-10. Before the Enquiry Officer, the management has examined as many as 10 witnesses and about 41 documents have been marked for the management. For the workman, 1 witness has been examined in addition to the workman himself. About 36 documents have been got marked for the workman.

33. As observed earlier, the test of perversity is two-fold. In the written arguments, there is no contention that any one of the documents admitted for the management was inadmissible or that it was wrongly admitted in evidence.

34. The main contention of the I party, as could be made out from the written arguments is that the Enquiry Officer has based his findings on presumptions and surmises and thus it has been tried to be made out that on the basis of the material placed on record, no reasonable person could have arrived at the findings complained of.

35. On page 18 of his report Ex. M-10, the Enquiry Officer has stated that the evidence of CW-1 Smt. Shantha N. Rao, that of CW-8 Krishna Murthy proves that on 8-10-76 when the requisition was received from the Pathi Bhaskariah and Bro. firm for the issue of 5 cheque books, the cheque books were got from the almirah through the I party Shri Pattabhiraman and the same were given to Krishna Murthy, after the entries were made. On page 160 of the file, in his evidence, the I party Pattabhiraman admits that at the relevant time he was working in the current account section and the Office in-charge used to ask him to bring cheque books and he used to bring and give them to him. His evidence on page 161 discloses that the special cheque books were also being got through him along with other cheque books from the almirah and the officer used to ask the sub-staff to bring the cheque books for issuing them to the customers. Similarly in regard to

the specimen signature cards, he concedes that whenever the Officer wanted to verify the specimen signatures, he used to ask him to get the specimen signature card by giving the account numbers. The fact that the I party Shri Pattabhiraman had access to the special cheque books and the cards of specimen signatures is thus not only proved but also admitted. The Enquiry Officer has further observed that the admissions made by the workman in his evidence have been further supported by his statement at Exs. C-25 and C-41. C-25 is at pages 325 to 329 of the file. Ex. C-41 is at page 353. Thus, there are written admissions of the workman in addition to his statements on the point that he had access to the special cheque books and the specimen signature card. From his written statements, it is obvious he has put the counter seal on the cheque leaves issued to Pathi Bhaskariah and Bro. The Enquiry Officer has arrived at a finding that the workman Pattabhiraman had removed the cheque leaf since it did not bear the counter seal 2A. The fact that the other cheque leaves bear the counter seal 2A whereas the cheque of Rs. 7,500 Ex. C-9 did not bear the counter seal 2A does lead to an inference that Pattabhiraman who had brought the cheque books has the special knowledge as to how the said cheque leaf did not bear the counter seal, whereas he has in fact put the said counter seal on other leaves of the 5 cheque books. The cheque book of leaf Nos. 222142 to 222200 except the leaf of 222156 has been produced at Ex. C-38. Almost all the leaves of the said cheque book bear the counter seal of 2A. The said finding therefore cannot be said to be erroneous.

36. The evidence of CW-2 Shri K. M. Upadhyaya, CW-8 Sri Krishna Murthy and CW-11 Sri B. Seetharamaiah indicates that when the said Pathi Bhaskariah & Bro. made a complaint, they searched for the specimen signature card of Sri P. A. Nanda Kumar, one of the partners of the firm, but it was not found. Since the specimen signature card of Nanda Kumar was lost, it is obvious that the person who had encashed the cheque of Rs. 7,500 had all the knowledge that it was a forged cheque and he had the further knowledge that the specimen signature card was no more to be found with the bank. The inferences drawn by the Enquiry Officer in that connection are quite logical and legal.

37. The cheque in question is of No. 222465. It is for Rs. 7,500. There is no dispute on the point that it has been encashed at the Avenue Road branch on 16-10-76. The Enquiry Officer has discussed on page 21 of Ex. M-10 that in regard to its encashment the evidence of CW-3 S. Krishna Murthy and CW-5 K. Narasimhaiah is relevant and proves that fact. The evidence of CW-9 P. A. Nanda Kumar itself proves that the signature on Ex. C-9, the disputed cheque is not his. His evidence further shows that whenever the partners of the firm used to issue a cheque for any sum above Rs. 2,500, they used to usually cross the cheque. His evidence has further established that they have no employee by name Rangappa and there is no dispute on the point that the cheque Ex. C-9 bears the signature of one Rangappa. The Enquiry Officer has thus arrived at a conclusion that cheque Ex. C-9 was not at all issued by the firm and it did not bear the signature of CW-9 P. A. Nanda Kumar. The finding of the Enquiry Officer that the signature of Nanda Kumar on Ex. C-9 is a forged one is thus beyond challenge.

38. The evidence of CW-10 Sri P. S. Viswanath is to the effect that when he went through the statement of accounts received by the bank, he noticed that a sum of Rs. 7,500 had been drawn but when he checked up for the counterfoil there was no counterfoil at all in the cheque book and thus the firm arrived at a conclusion that the cheque in question was not issued by them. The finding of the Enquiry Officer that the cheque Ex. C-9 was not at all issued by the firm is thus unassailable.

39. From his discussion from pages 22 onwards of Ex. M-10, the Enquiry Officer has concluded that the signature on the cheque Ex. C-9 is not of CW-9 Sri P. A. Nanda Kumar and that the body writing of the cheque Ex. C-9 are also not of Nanda Kumar. The Enquiry Officer has relied upon the evidence of CW-7 Smt. C. V. Jyoti Devi, the hand writing expert and her report Ex. C-33, CW-7



Jaya Devi has given her opinion regarding the handwriting of the body of the cheque Ex. C-9 after comparing the handwritings of CW-2 Upadhya, CW-3 S. Krishna Murthy, CW-4 Sri T. R. Dwaraki Krishna, Sri N. Narasimhaiah, CW-6 Sri T. N. Gopala Rao, CW-8 Sri Krishna Murthy, CW-11 Sri B. Seetharamaiah and CW-1 Smt. Shanta N. Rao. She has compared the handwriting of the I party workman also. The handwritings of 'A' series documents were admittedly of the I party workman. The Enquiry Officer observes that the expert has given 22 reasons for arriving at the conclusion that the body writings and signature in Ex. C-9 have been forged by the I party workman. He has accepted the evidence of CW-2 Upadhya and CW-7 Jaya Devi to hold that the latter had with her the original cheque of Ex. C-9 and with reference to the original cheque she has given her opinion. The I party workman has examined before the Enquiry Officer his own handwriting expert DW-1 A. Lingaiah. The evidence of DW-1 Lingaiah is mainly on the point the signature in the disputed cheque and the admitted cheque are by the same person and that they are possessing spurious similar features. To put in a nutshell the evidence of A. Lingaiah is on the point that the signature in the disputed cheque Ex. C-9 is made by Sri P. A. Nanda Kumar himself. The evidence of an expert cannot outweigh the evidence of the concerned witness himself. Secondly, the evidence of Sri P. A. Nanda Kumar finds independent corroboration from CW-10 Sri P. S. Viswanath and the very fact that there is neither the original cheque nor the counterfoil in the cheque book of Serial Nos. 222401 to 222500, supports him. Secondly, the evidence points out that the firm of Pathi Bhaskariah & Bro. has at the relevant time using only the cheque book of Nos. 222101 to 222200. In the face of the said direct evidence, the evidence of the handwriting expert A. Lingaiah that the handwriting and signature in Ex. C-9 was that of Nanda Kumar can hardly be believed by any reasonable person. The Enquiry Officer has observed that the opinion given by CW-7 Jaya Devi in her report Ex. C-33 is supported by valid reasons and requires to be preferred to the opinion given by DW-1 Lingaiah. The discussion made by the Enquiry Officer regarding the said evidence of the handwriting expert on pages 24, 25 and 26 of Ex. M-10 is consistent and cogent.

40. The learned counsel for the I party has produced before me a certified copy of the order passed by the Principal Civil Judge, Bangalore in O. S. No. 148-1977 on I.A. No. 5. The said order is dated 16-8-1979. A certified copy of her, CW-7 Jayadevi evidence given in that matter on 5-2-1979 has also been produced before me. The learned Civil Judge has observed in the said order that her evidence discloses that she was not an expert in the field. The learned counsel for the I party has also produced a photostat copy of the order made by the Hon'ble High Court of Karnataka in C. R. P. No. 2431/79 on 14-8-1984. From these documents, it was contended that CW-7 Jaya Devi was not at all an handwriting expert and her evidence regarding her opinion on Ex. C-9 has been wrongly accepted. CW-7 Jaya Devi has been examined by the Enquiry Officer on 16-6-81 and thereafter. Since her evidence given before the Enquiry Officer was long after 5-2-79, the date of her evidence given before the learned Civil Judge it cannot be the valid basis to make a remark that on the date of her evidence before the Enquiry Officer, she was not a handwriting expert. Nothing prevented the workman from confronting her about the said order by the learned Civil Judge and the orders of the Hon'ble Court of Karnataka. It is too late in the day to contend that the Enquiry Officer has wrongly accepted her as the handwriting expert and her evidence as the evidence of an expert. Moreover, as has been observed at the commencement of the award itself, this Tribunal cannot sit in judgement, as if it is an Appellate court, then arrive at its own findings and set aside the findings of the Enquiry Officer in the light of its own findings. The material question is whether any reasonable person would have preferred the evidence of CW-7 Jaya Devi to that of DW-1 Lingaiah or not. On this point, I find that there was overwhelming independent evidence for the Enquiry Officer to prefer and accept the evidence of CW-7 Jaya Devi to that of DW-1 Lingaiah.

41. There is an additional ground put forth by the II party for not accepting the evidence of DW-1 Lingaiah. 384 GI/89—6.

It was pointed out that much reliance cannot be placed on xerox copies and it is always better to depend upon the photo copies. The opinion tendered by DW-1 Lingaiah with reference to xerox copy cannot therefore prevail. Even if all these matters are explained, there can never be a reply as to why the disputed cheque Ex. C-9 should not bear the counter seal 2A. The Enquiry Officer has given some more reasons for not accepting the case of the I party workman and especially the evidence of DW-1 Lingaiah. On page 26 of his report Ex. M-10, he observed that as per the evidence of Accounts Clerk CW-3, Sri S. Krishna Murthy and the cashier, one person named Shivu had come earlier and presented the cheque Ex. C-9. They wanted attestation for the alteration of the date and the said person went away and got it attested and appeared after 10 minutes. In that context, the Enquiry Officer has observed that the fact that the I party workman was on sick leave between 13-10-76 and 19-10-76 is an additional factor to infer that he was the person behind the encashment of the forged cheque. However, even if the fact that he was on sick leave is eschewed from evidence, there is sufficient material to hold that the Enquiry Officer did not commit any error in accepting the evidence of the management. Before the Enquiry Officer, the representative for the I party had raised as many as 16 objections. The Enquiry Officer dealt with them independently and has given cogent and consistent reason for rejecting the same. From page 30 to 36 of the report Ex. M-10, there is a detailed discussion by the Enquiry Officer in that connection.

42. The learned counsel for the I party has contended in the written arguments that there is inordinate delay in issue of the charge sheet and therefore in view of the aforesaid authority of M. D. Parmar Vs. Y. B. Zala and another, the findings cannot be sustained. The date of encashment of the cheque is 16-10-76. The matter came to the light only when the firm of Pathi Bhaskariah & Bro. made a complaint on 13-11-76. The bank has been proceeded to give a complaint in February 1977 and the charge sheet has been issued on 31-1-78. The workman had been kept under suspension on 21-2-77 itself and thus it cannot be said that he had no opportunity to know about the allegations against him until it was too late. Secondly, the facts of the said reported case being entirely different, I do not find that the principle laid down with special reference to the facts and circumstances of that authority can be invoked for the facts and circumstances of the present case.

43. The learned counsel for the I party has then contended that the evidence placed on record in regard to issue of cheque books and comparison of the specimen signature does not in any way implicate the I party workman. It has been already discussed as to how not only there is satisfactory evidence produced by the II party but also admissions on the part of the workman himself that he was doing the work of bringing the cheque books from the almirah and had handed over them to the concerned officers and as to how he had access to the specimen signature cards.

44. It has been contended in the written arguments that the workman was on leave between 13-10-1976 and 19-10-1976 and therefore he cannot be made responsible. The cheque in question has been encashed on 16-10-76 and the Enquiry Officer has observed that it is one of the grounds to draw an inference against the workman. It has been remarked by me that even if that circumstance is eschewed from record, there was ample material to the Enquiry Officer to arrive at the said findings.

45. It has been contended in the written arguments that because the cheque was returned for attestation and soon thereafter it was presented with necessary attestation, it may be held that the I party Shri K. S. Pattabhiraman did not present the same. It is not the case of the bank that Shri Pattabhiraman had presented it for encashment. The point in issue is whether the workman Shri Pattabhiraman had access and had the opportunity to have the said cheque leaf and whether he has forged it. On these 2 points, there is satisfactory evidence. In addition, the fact that the specimen signature card of Shri Nanda Kumar is missing from the bank rules out the possibility of the said firm or

Nanda Kumar himself encashing the cheque and now alleging that the firm did not issue that cheque. There is no challenge to the fact that there is no employee by name Rangappa in the said firm. Then there is the positive evidence of CW-7 Smt. C. V. Jaya Devi that the handwriting and signature on the cheque in question are of the I party. The said evidence lends sufficient support to the evidence of the expert evidence CW-7 and I do not find any force in the contention that the Enquiry Officer has merely drawn presumptions without any basis. The fact that the person who had presented the cheque brought it again with an attestation a decision is no ground in favour of the workman to prove that he had nothing to do with the removal of the cheque leaf or forging of the cheque leaf.

46. The learned counsel for the I party has contended in the written arguments that the observation of the Enquiry Officer that there was scope for the I party workman to remove the cheque leaf from the cheque book is not based on legal evidence. The circumstances have been discussed by me and there is concrete evidence of CW-7 Smt. Jaya Devi which leads to an inference that it was the I party who had removed the cheque leaf of the cheque book at the time when he had handled the same.

47. The learned counsel for the I party has contended in the written arguments that the Enquiry Officer ought to have preferred the evidence of DW-1 to that of CW-7 Jaya Devi. I have scrutinised the evidence of both the experts and I find that the attending circumstances are such that the Enquiry Officer was justified in placing reliance on the evidence of CW-7 Jaya Devi and rejecting that of DW-1 Lingaiah. It has been contended in the written arguments that the Enquiry Officer was not justified in holding that the I party Pattabhiraman had removed the leaf bearing No. 222465 from the cheque book issued to Ms. Pathi Bros. The evidence of CW-9 Nanda Kumar shows that the said leaf is not there in the cheque book of 222401 to 222500 along with its counterfoil. Secondly, it has been discussed at great length as to how the leaf bearing No. 222465 cannot have been used by the firm of Pathi Bros. at all at that time. The reason being that the said cheque has been used to draw an amount of Rs. 7,500 fraudulently by an employee of the bank itself, since the specimen signature card of CW-9 Nanda Kumar is also missing from the bank. The inference drawn by the Enquiry Officer cannot, therefore, be said to be illogical or not based on evidence produced on record.

Issue No. 3 relating to 1st charge sheet dt. 4-5-76.

48. It has been contended in the written arguments that the finding of the Enquiry Officer that Pattabhiraman had not the said cheque encashed through an accomplice is not based on legal evidence. The charge against the I party Pattabhiraman, as discussed earlier is of fraud or gross negligence. If fraud to the extent that he has got it encashed through an accomplice is not established, then the charge of gross negligence is squarely established. The relevant evidence is pointed out to show that the cheque and challan given to Pattabhiraman did not find place in the records of the bank and on the other hand the cheque has been got encashed at the Syndicate Bank, Ulsoor branch on the very next day of its delivery at the Vyaya Bank, Avenue Road Branch and thus there is complete link in the chain that a person who was responsible for the missing of the cheque and the challan had all the motive to commit the fraud. To reiterate, if there is no link to prove the allegation of fraud, the charge of gross negligence by itself stands proved. It is not a case of punishment being disproportionate.

49. The learned counsel for the I party has placed reliance upon the very same authorities shown above to contend that the charge of Ex. M-12 is not proved. The case of Rajinder Kumar Vs. Delhi Administration (AIR 1984 Supreme Court (Page 1805) has been relied upon to contend that finding based on no evidence should be rejected as perverse. The facts as discussed above would show that the charge of gross negligence alleged in Ex. M-12 has been established and therefore the authority does not help the I party.

50. The case of Anil Kumar Vs. Presiding Officer and Others (AIR 1986 1 L.L.J. (Page 301) has been relied

upon to contend that the Enquiry Officer shall have to give reasons for his findings. From the report of the Enquiry Officer Ex. M-10, it is obvious that he has given reasons for all the findings he has given. He has discussed at considerable length all the points raised by the I party workman. It is not a case wherein the Enquiry Officer has not given his reasons. The authority has therefore, no bearing.

51. It was further contended from the authority if Narayan Mahapatra Vs. General Manager, S. E. Railway (1969 LAB I.C.) (Page 896) that more suspicion cannot be a substitute for proof. It is not a case of mere suspicion. The facts and circumstances of the case would prove that I party workman is guilty of gross negligence. The authority is therefore not helpful to him. The authorities of Gian Mahtani and Another Vs. State of Maharashtra and Choren Singh Vs. State of U. P. as shown above do not help the I party workman since the enquiry cannot be treated on par with the criminal trial.

52. The learned counsel for the I party has relied upon the case of Mahendra Manilal Nanavati Vs. Sushila Mahendra Nanavati (AIR 1965 Supreme Court (Page 364) and it has been contended that since DW-1 Lingaiah had better qualification than CW-7 Jaya Devi, his evidence ought to have been preferred. In the first place, the contention that CW-7 Jaya Devi was not a qualified expert and a competent witness has not been accepted. Secondly, it has been shown as to how the evidence of CW-7 Jaya Devi finds independent corroboration from the facts and circumstances placed on record, whereas the evidence of DW-1 Lingaiah does not find support from any independent pieces of evidence. Under these circumstances, it cannot be said that by virtue of the said authority, the evidence of Lingaiah should prevail.

Issue Nos. 3 and 4.

53. The learned counsel for the 1st party contended that the punishment imposed on the workman is highly disproportionate and that it is a fit case to invoke provisions of Section 11A of the I.D. Act. On facts, it has been held that the findings recorded by the Enquiry Officers in both the enquiries cannot be called as perverse. Since the findings show that he has been guilty of fraud and gross negligence or only gross negligence and since it is a banking institution where the creditability and image of the bank is solely dependent upon the integrity of the employees, I am of the view that the punishment imposed cannot be said to be disproportionate. It is quite reasonable in my view and that he is not entitled to any relief.

54. In the result, an award is passed to the effect that Management of Vyaya Bank was justified in terminating the services of Shri K. S. Pattabhiraman with effect from 5-12-1983 and he is not entitled to any relief.

(Dictated to the Personal Assistant, taken down by her, not typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-12012/85-D.IV.A/D.I.B.]

PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली, 15 फरवरी, 1989

शुद्ध पत्र

का. आ. 434- इस संज्ञानय की दिनांक 26-4-85 की अधिसूचना संख्या- एल-41012/33/83-डी-2(सी) द्वारा अधिपत्र पत्राट के पैरा 5 की दूसरी पंक्ति में वर्जर्ड गई तारीखों को कृपया निम्नानुसार संशोधित करें :

"तारीख 02-12-1972 को 10-01-1976 पढ़ें और

तारीख 31-12-1973 को 31-03-1977 पढ़ें।"

[संख्या-एल-41012/33/83-डी-2 (सी)]

हरी सिंह, डैस्क अधिकारी

New Delhi, the 15th February, 1989

## CORRIGENDUM

S. O. 434.—The dates mentioned in the second line of para 5 of the Award forwarded by this Ministry vide Notification No. L-41012/33/83-D.II (B) dated 26-4-1985 may kindly be amended as follows :

The date 2-12-1972 be read as 10-1-1976 and the date 31-12-1973 be read as 31-8-1977".

[No. L-41012/33/83-D.II (B)]

क.प्र. 435.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिवजीनल इन्जिनियर, टेलीग्राफ, कानपुर के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट आयोगिक विवाद में केन्द्रीय सरकार आयोगिक अधिकरण, कानपुर के पंचपट को प्रवर्जित करती है, जो केन्द्रीय सरकार को 6-2-89 को प्राप्त हुआ था।

S.O. 435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer, Telegraph, Kanpur and their workmen, which was received by the Central Government on 6-2-89.

## ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, KANPUR U.P.  
Industrial Dispute No. 63 of 1988

In the matter of dispute between :

Shri Mahesh Singh

C/o The Secretary

Bhartiya Dak Tar Karamchari Sangh

252/10 Shastri Nagar,

Kanpur U.P.

## AND

The Divisional Engineer,

Telegraph Coaxial Maintenance,

Tax Building CTO Compound,

The Mall Kanpur, U.P.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40011/3/86-D. II(B) dated May 1988, has referred the following dispute to this Tribunal for adjudication :

Whether the action of Divisional Engineer, Telegraph, The Mall Kanpur in denying increment w.e.f. February 1982 and pay scale of Rs. 425-640 w.e.f. the date of promotion of first junior workman to Shri Mahesh Singh Technician is justified ? If not to what relief the workman concerned is entitled to ?

2. The industrial dispute on behalf of workman Shri Mahesh Singh has been raised by Bhartiya Dak Tar Karamchari Sangathan (hereinafter referred to as Union). The Union's case is that the workman remain posted as Tech. at Rae Bareilly in P&T Test Room I.T.I. Limited with HTI&T under the direct control of General Manager 384 GI/89—7

P&T T&D Circle Jabalpur upto 11-7-82. Thereafter, he was transferred to Kanpur in the post of AERE Mct, Kanpur. Although his date of increment falls on 1st February every year, he was not given increment by the management which was due in Feb. 1982. The increment was denied to him on the ground that his service book had not been sent by General Manager to the Director, Telecom Mctc, Lucknow, who is the sanctioning authority. However, the increment was sanctioned in the old scale of pay after the conciliation proceedings had ended in failure. Thus the increment in the new scale of pay in the promotion post still remains to be sanctioned. The Union has then referred to certain facts about juniors having been promoted but we are not concerned with these facts in the present reference.

3. Management pleads that the workman was awarded punishment of withholding of his two increments without cumulative effect by the AE Test Room T&D Jabalpur vide his order dated 10-7-82. So his increment which was due in February 1982 from the stage of Rs. 420 could not be allowed to him on account of the workman being at efficiency bar stage. Similarly increments due in February 1983 and 1984 were not allowed in view of the order of punishment. However, at the end of punishment the workman was allowed his increment w.e.f. Feb. 1985 at the stage due i.e. Rs. 456 on 1-2-1985 and Rs. 468 on 1-2-86. The orders for one time bound promotion on completion of 16 years service were issued by General Manager Telecom U.P. Circle Lucknow, after the D.P.C. but since the workman was undergoing punishment he was not given one time bound promotion. Presently the pay and allowance of the workman amount to Rs. 2342 per month. Since he is getting more than Rs. 1500 per month the Tribunal has no jurisdiction to decide the reference.

4. In support of its case the union has filed the affidavit of Shri Bhola Nath Agrawal, the Secretary of the Union. In rebuttal no evidence has been led by the management. The union witness has been examined twice. In his first cross examination he stated that the management granted increment w.e.f. 1st February 1982 in the pay scale of Rs. 425-640, to the workman in 1985. His statement thus completely demolished the case set up by the Union in support of workman. But subsequently on the oral submission of Shri Bhola Nath Agrawal he was recalled. In his examination in Chief, after his recall, he stated that the statement made by him earlier in his cross examination was wrong. According to him the workman is a Technician. The pay scale of technician is Rs. 260-480. The selection grade of Technician is Rs. 425-540. According to him the grievance of the workman is that he should have been granted the selection grade w.e.f. February 1982.

5. In his second cross examination he almost admitted the case set up by the management in the written statement. He has admitted that vide order dt. 10-7-82 of A.E. Test Room T&D Circle Jabalpur, the workman was awarded punishment of withholding of two increments with cumulative effect. He has further admitted that after the end of the punishment period the workman was allowed his increment in the pay scale of Rs. 260-480 w.e.f. February 1985 at the stage due i.e. Rs. 456 on 1-2-85 and Rs. 468 on 1-2-86.

6. I fail to understand how the management could have granted the selection grade to the workman after award of punishment in the disciplinary proceeding. The case of the workman would have been different had he been awarded no such punishment in any disciplinary proceeding. Hence, the action of the Divisional Engineer, Telegraph Kanpur in denying increment to the workman w.e.f. February 1982 in the selection grade is justified. Consequently the workman is entitled to no relief.

7. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-40011/3/86-D. II(B)]

का.आ. 436.—औद्योगिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गवर्नमेंट ओपियम और अल्कलॉयड वर्क्स गझिपुर के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करने में जो केन्द्रीय सरकार को 3-2-89 प्राप्त हुआ था।

S.O. 436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Govt. Opium and Alkaloid Works, Ghazipur and their workmen, which was received by the Central Govt. on the 3-2-1989.

#### ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
KANPUR, UTTAR PRADESH

Industrial Dispute No. 134 of 1987

In the matter of dispute between :

Shri Mukhram  
S/o Sh. Manroop  
Bhutaia Tand  
P.O. Shakilpur  
Ghazipur U.P.

AND

The Manager

Government Opium & Alkaloid Works Undertaking  
Ghazipur, U.P.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-42012/73/86-D, II(B) dated 7th September, 1987, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Government Opium and Alkaloid Works Undertakings Ghazipur in terminating the services of Shri Mukhram, s/o Sri Manroop, w.e.f. 26-8-86 is legal and justified ? If not to what relief the workman concerned is entitled ?

2. The admitted facts are that on 8-8-80 the workman was arrested by the police on the F.I.R. of the management that he had been caught while taking out of the factory 323 grams of Morphine by carrying it under his langote. The workman was prosecuted under section 9 of the Opium Act but was acquitted on 20-2-85 by Chief Judicial Magistrate, Ghazipur.

3. By means of order dt. 12-8-80 copy Ext. M-1, the workman was suspended w.e.f. 8-8-80 (a.m.). He was served with a chargesheet dated 31-10-1989 to which the workman pleaded not guilty. Shri I. S. Ratra Assistant Chief Accounts Officer who was appointed Industry Officer by means of order dt. 8-6-81, copy of Ext. M-4, held inquiry into the charge against the workman and found him guilty. The inquiry report is dt. 28-2-83. Its copy is Ext. M-8. After the acquittal of the workman in the criminal case he was dismissed from service w.e.f. 28-6-85 by Manager Government Opium & Alkaloid Works Undertaking Ghazipur.

4. The workman's case in short is that during the inquiry proceedings he was not furnished with the copies of documents nor with the copies of the statements of the witnesses. The first date fixed in the inquiry by the E.O. was 6-1-82. The second date fixed by the inquiry officer was 11-11-82. The Enquiry Officer, without recording the statement of management's witness concluded the inquiry. He got the copy of inquiry report after about two years of the conclusion of in-

quiry and he was served with the order of dismissal suddenly on 28-6-85. Against the order of dismissal he filed an appeal before the General Manager who did not inform him as to what he had done of his appeal. He has, therefore, prayed that by setting aside the order of dismissal he be reinstated with full back wages.

5. The management on the other hand plead that the workman was acquitted in the criminal case on technical grounds. According to the management the inquiry was properly conducted and that a valid order of dismissal was passed against the workman.

6. In support of his case the workman filed his own affidavit and the management filed the affidavit of Shri Harihar Singh, Works Engineer.

7. Ext. M-2 is the copy of chargesheet. Towards the end are mentioned documents to be relied upon and the names of the witness to be examined at the inquiry in support of the charge. The documents are report of Assistant Commandant, Central Industrial Security Force and the confessional statement dt. 8-8-80 of the workman alleged to have been recorded at the security gate. There is no evidence from the side of the management to show that at any stage during the inquiry the workman was furnished with the copies of these two documents.

8. Ext. M-8 is the copy of inquiry report dt. 28-2-83, given by the inquiry officer Shri I. S. Ratra. From the inquiry report it will appear that none of the witnesses is named in the chargesheet was examined by the management at the inquiry. He simply placed reliance on the F.I.R. which too no one came to prove. At page 3 of the copy of inquiry report the E.O. has written that with regard to the version of the prosecution Shri R. P. Gupta stated in writing that whatever is written in the F.I.R. made by Shri D. C. Srivastava should be treated as his last statement and that he has nothing more to add. From the inquiry report it will appear that the E.O. simply dealt with the various pleas raised by workman in his reply to the chargesheet. Thus the finding that the workman was guilty of the charge has been given by the inquiry officer without any evidence. In fact the presenting officer on behalf of the management should have got proved the two documents referred to in the chargesheet and also the F.I.R. if he was to rely on it as well. To prove recovery of morphine he ought to have examined witnesses in whose presence the recovery was alleged to have been made.

9. It further appears that the inquiry was not conducted fairly and properly. The workman was not given proper opportunity to defend himself.

10. Ext. M-5 is the copy of letter dt. 19/21-12-81 from the inquiry officer to the workman informing him that 6-1-82 had been fixed as the date in the inquiry. Ext. M-6 is the copy of letter dt. 2-11-82 from the inquiry officer to the workman informing him that in the inquiry 11-11-82 had been fixed as the date for hearing. Thereafter, what happened is not known. From the inquiry report it appears that on 11-11-82 both sides were present and that after hearing their arguments he gave another chance to the workman for furnishing a fresh statement and point which he intended to mention in support of his case. It further appears that whereas on 11-11-82 Shri R. P. Gupta, Presenting Officer, filed F.I.R. dt. 8-8-80, the workman did nothing even thereafter although reminded on 26-11-82 in this regard. It further appears that on 4-12-82 the workman filed another statement in reply in which facts as contained in his earlier statement dt. 25-3-81, were repeated. This was all that was done by the E.O. As stated by me earlier that the inquiry officer in support of the charge relied on the F.I.R. and dismissed the various contentions raised by the workman in his reply to the charge.

11. Thus from the above it becomes crystal clear that in the eye of law there had been no proper inquiry and further there had been no proper finding. Therefore the action of the management of Government Opium and Alkaloid Works Undertaking, Ghazipur in dismissing Shri Mukhram son of Shri Manroop from service w.e.f. 28-8-86 is neither legal and not justified.

12. Accordingly the workman is held entitled to reinstatement with full back wages and continuity of service.

13 The reference is answered accordingly.

ARJAN DEV, Presiding Officer  
[No. L-42012/73/86-D. II(B)]

to be fair. Hence, I pass this award in terms of the settlement the Memorandum of Settlement to form part of the Award.

S. K. MISRA, Presiding Officer  
[No. L-41012/60/86-D.II(B)]

FORM II

#### MEMORANDUM OF SETTLEMENT

Representing Employer—Smt. Manju Ray, Divisional Personnel Officer, S.E. Railway, Khurda Road.

Workman—Sri R. M. Patnaik S/o D. K. S. Patnaik, Retired Station Master State Bank Street, P.O. Narasannapeta-532421 Dist. Srikakulam (A.P.)

The case of the workman in nut shell is that he was working as substitute F. C. G. Attendant and he was not given work from 25-8-80 onwards though his junior was continuing. Sri Patnaik prays for re-instatement in the same post with all back wages.

The Management (i.e. Railway Authorities) contention is that Sri R. M. Patnaik was not a screened substitute. He was being utilised to meet the day to day casualty. There was no agreement for employment between Sri Patnaik and Management. Further, due to repeated mis-behaviour and disobedience Sri Patnaik was not given any work from 25-8-80. Sri Patnaik has not worked for 240 days in a preceding 12 months.

On 16-12-88 both the parties are agreed to settle the issue amicably for which Sri R. M. Patnaik the workman attended the office of the Divisional Railway Manager, S.E. Railway, Khurda Road on 20-12-1988 and both the parties are agree to abide by the following terms and conditions

1. Sri R. M. Patnaik, will be re-engaged as substitute in Commercial Department or any department of this railway depending upon the requirement.
2. Sri R. M. Patnaik will be re-engaged within a month after this settlement by the Railway authorities.
3. Sri R. M. Patnaik is not entitled for any of his back wages as he has not worked.
4. Seniority and regularisation Sri Patnaik will be given as per extant rules.

Signature of the Parties

- (1) Illegible
- (2) Illegible

Witnesses :

- (1) S. B. Mishra
- (2) Abdul Hamid
- (3)
- (4)

का.प्र. 437 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिविजनल रेलवे मैनेजर, एस.ई. रेलवे, खुरदा रोड, जिला पुरी, उड़ीसा के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-89 का प्राप्त हुआ था।

S.O. 437.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneshwar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Railway Manager, S.E. Railway, Khurda Road, Distt. Puri Orissa and their workmen, which was received by the Central Government on the 3-2-89.

#### ANNEXURE

INDUSTRIAL TRIBUNAL ORISSA, BHUBANESWAR  
Industrial Dispute Case No. 59 of 1987 (Central)

Bhubaneshwar, the 23rd January, 1989

#### BETWEEN

The Management of Divisional Railway Manager, S.E. Railway, Khurda Road, Dist. Pur  
First Party-  
Management.

#### AND

Their workman Sri Ram Mohan Patnaik C/o D. K. S. Patnaik, (Retired) Station Master, Narasannapeta-532421, Distt. Srikakulam (A.P.)  
Second Party  
workman.

#### APPEARANCES :

Smt. M. Ray, Divisional Personnel Officer—for the First Party-Management.

Sri Ram Mohan Patnaik—The second party-workman himself.

#### AWARD

1. The Government of India in the Ministry of Labour Department in exercise of the powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute vide their Order No. L-41012/60/86-D.II (B) dated 2nd September, 1987 for adjudication :—

"Whether the termination of Shri Ram Mohan Patnaik with effect from 25-8-1980 by the Management of Divisional Railway Manager, South Eastern Railway, Khurda Road, Dist. Puri (Orissa) is legal and/or justified, if not, to what relief and from what date, the workman is entitled to?"

2. This case was posted to to day for recording settlement. The Memorandum of settlement filed by both parties on 22-12-1988 and a petition seeking disposal of the reference on settlement are nuput. The second Party-workman and the representative of the First Party-Management submitted that they have settled the dispute out of Court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the settlement. Both the parties admitted the terms of the settlement before me. The settlement seems

का.प्र. 438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-89 का प्राप्त हुआ था।

S.O. 438.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial disputes between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on the 6th February, 1989.

## ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 80 of 1987

In the matter of dispute between :

The Divisional President,  
Uttar Railway Karamchari Union,  
96/196 Roshan Bajaj Lane,  
Ganesh Ganj, Lucknow.

AND

Sr. Divisional Personnel Officer,  
Northern Railway,  
Lucknow, U.P.

## AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41012/58/85-D.U (B) dated 22-6-87, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Divisional Railway Manager, Northern Railway, Lucknow in terminating the services of Shri Mahmood Ahmed Siddiqi w.e.f. 27-5-77 is justified ? If not, to what relief the workman concerned is entitled to ?

2. The admitted facts are that Shri Mahmood Ahmed Siddiqi was appointed as a coolie mate on 2-4-58 and was confirmed as coolie mate on 2-4-59. He was allotted provident fund No. 520437.

3. The industrial dispute on behalf of Shri Siddiqi has been raised by Uttar Railway Karamchari Union (hereinafter referred to as URKU). The Union's case is that the workman worked as coolie mate upto 25-5-77 and w.e.f. 26-5-77, his services were terminated by the management of Northern Railway, Lucknow without giving him any notice, notice pay and retrenchment compensation. The Union alleges that his junior Shri Mumtaz Ali whose P.F. No. 520438 has been retained in service. The Union has therefore, prayed that Shri Mahmood Ahmed Siddiqi should be reinstated as coolie mate or in any other semi-skilled identical post with full back wages and with consequential benefits.

4. The management in defence plead that posts for coolie mate were created for the supervision of the work of licensed porters who were appointed on no profit and no loss basis. Since the expenditure on coolie mates was to be met out by the amounts realised from licensed porters towards cost of badges uniforms etc. they were not railway employees and consequently they were not entitled for these benefits which are given by the railways to its employees. In fact posts of coolie mates were abolished by the Railway Administration. In order to give Shri Mahmood Ahmed Siddiqi an opportunity for absorption in the railways, he was asked to appear before the Screening Test and the Screening Committee declared him successful. The workman offered to join as running room bearer. Accordingly he was asked to appear before the Station Superintendent Lucknow and give his joining report there. The order in this regard was received by the workman under his signatures on 23-9-78. Despite the said order Shri Siddiqi did not report for duty to the Station Superintendent Lucknow. The management gave another opportunity to Shri Siddiqi and directed him to join duty as running room bearer, under Station Superintendent Lucknow on 20-5-82. Shri Siddiqi once again failed to attend duty. Management has then pleaded that the recorded date of birth of Shri Siddiqi is 1-3-27. As such in the ordinary case he should have retired on 28-2-1985 (A.N.) on attaining the age of superannuation. The question of his reinstatement in railway service, therefore, does not arise. Lastly, the management plead that Union had no legal right to raise industrial dispute. The Zonal Working President of the

Union has also no legal right to file any claim statement on behalf of the workman Shri Siddiqi.

5. In support of its case, the Union filed the affidavit of Shri Siddiqi and of Shri B. D. Tiwari who has filed the claim statement on behalf of the Union in his alleged capacity of Zonal Working President. The Union has also filed a number of documents to support its case.

6. The management on the other hand filed the affidavit of Shri Kanhaiya Lal Srivastava, Sr. Clerk, in the office of the DRM Lucknow.

7. In para 7 of his statement in cross examination Shri Siddiqi has deposed that he cannot say when the post of coolie mate was abolished by the Northern Railway. But this is true that after termination of his services no body has been appointed on the post held by him by the Railway.

8. Paper No. 2(4) of the list of documents dated 14-10-87, is the copy of application dated 9-9-77 from Shri Siddiqi to DRM Northern Railway Lucknow. In it he writes that from 27-5-77, he had been sitting idle at his house. He requested the DRM to give him some post either in the waiting room Varanasi or as bearer in the retiring room and thus save him from his difficulties. On the back of it there is a copy of letter in Urdu to DRM Northern Railway Lucknow. I may state here that in para 1 of his statement in examination in Chief Shri Siddiqi has stated that he does not know Hindi or English he simply knows Urdu. In it he wrote that he had been given duty in the Guard's Running Room, but since he was an old man who did not know how to cook food, he was unable to work in Guard's Running Room. He requested that he should be given duty in some waiting room.

9. These two letters have been admitted by Shri B. P. Chauhan Authorised Representative for the management, on behalf of the management. The above documents bear his case that after the abolition of the post of coolie mate he was not offered any job by the Railway in alternative. In para 12 of his statement in cross examination he has stated that when the proceedings were pending before ALC (C) under the order of A.L.C. (C), the Railway Administration offered him the post of Running Room bearer at Varanasi Railway Station in 1982. According to him the very day on which he was given the order of appointment the copy of order was taken back from him by the A.P.O. when he stepped out of the office. He admits that with regard to it he never made any complaint to any higher authorities. I am not prepared to believe him on this point. Had the APO, forcefully taken away from him any such order of appointment, he would have surely reported the matter to higher authorities or atleast would have brought it to the notice of ALC (C). There is nothing in this regard on record to show that he even brought such a fact in the notice of ALC (C).

10. There is no doubt about the fact the case from the side of the management has not been properly fought out in sense that the documents which ought to have been filed in support of the management's contention that after the abolition of the post of coolie mate, Shri Siddiqi was offered alternative jobs twice have not been filed. It is good luck of the management that the workman himself filed the documents copy of letter dated 9-9-77 and the copy of letter dated nil in Urdu addressed to DRM.

11. Thus the two facts which stand proved from the evidence on record are that as a result of abolition of the post of coolie mate, the services of Shri Siddiqi were terminated w.e.f. 27-5-77 and secondly, that after abolition of the said post Shri Siddiqi was offered opportunity twice for absorption in Railways for doing duty of a bearer which he failed to utilise. In the affidavit of the management witness it is clearly stated that the recorded date of birth of Shri Siddiqi is 1-3-27. There has been no cross-examination of this witness on this point. It follows, therefore, that had Shri Siddiqi continued in service in the ordinary course he would have retired on 28-2-85 (A.N.) with the abolition of the post of coolie mate this post no longer exist. It has been conceded by Shri Tiwari, representing the Union that

even if the order terminating his services is held illegal, reinstatement of Shri Siddiqi cannot be ordered under any circumstance. The question which therefore, arises is whether Shri Siddiqi is simply entitled to notice pay and retrenchment compensation or reinstatement as per Railway rules.

12. This depends on the question whether Shri Siddiqi was or was not a Railway employee. According to the management coolie mates were not Railway employees as expenditure on coolie mates used to be put out of the amounts realised from licensed porters towards the cost of badges uniforms etc.

13. According to Shri Tiwari, the workman had all the ingredients of a Railway employee. It is even admitted to the management in the written statement that he was appointed as a coolie mate on 2-4-58 and was confirmed as such on 2-4-59. It is further admitted to the management that Shri Siddiqi was even allotted P.F. Number. From the facts alleged in para 3(a) of the written statement one thing can be inferred and it is that Shri Siddiqi used to be paid salary/wages by Railway. We are not concerned as to from which fund the Railway used to pay him, his wages/salary.

14. On the other hand it has been argued by Shri Chauhan, authorised representative for the management that all this is not sufficient. He could not be treated as a Railway employee. In support of it he has placed reliance on two documents which are Ext. M-1 and M-2. Ext. M-1 is the copy of Headquarter's letter dated 9-11-81 to the DRM(P) Northern Railway New Delhi, Alid, Lucknow etc., in which it is stated that in terms of para 2403 R(II) Licensed Porter Mates are not entitled to pensionary benefits. According to the said para the services must be under the Government that the employee must be substantive and permanent; and that services must be paid by Government. Ext. M-2, is copy of D.O. dated Sept. 88 from General Manager to the Sectt. Estb. Railway Board New Delhi. The D.O. was written in connection with one Lalman coolie mate, who died on 13-11-81. In the D.O. it was stated that since coolie mates were not being treated as Railway employees, retirement benefits could not be given to him. The above two documents timely refers to the opinion of the officers of the management. This Tribunal is not bound by their opinions. The Tribunal has to see independently whether or not on the basis of the facts proved in the case a coolie mate could be said to be a Railway employee. Shri Chauhan has not referred to any rule or regulation of the Railway rules laying down conditions requisite for being held as a Railway employee. In view of the fact that he was engaged/appointed by Railway, in view of the fact that he was confirmed by the Railway, and in view of the fact that he was paid by Railway. I think it would be difficult to come to any other conclusion except the conclusion that he was a confirmed Railway employee.

15. Shri Siddiqi cannot have both the benefits, i.e. to say the benefit of claiming notice pay and retrenchment compensation and the benefit of claiming terminal benefits. Since he was a Railway employee and since his services were terminated because of the abolition of the post of coolie mate, I think it would be reasonable to grant him terminal benefit as are admissible to Railway employees of his cadre.

16. It is accordingly held that after the abolition of the post of coolie mate there was no option left with the management to ease him. As observed above, the workman shall be entitled to all the terminal benefits as are admissible to a Railway employee on his retirement.

17. The reference is answered accordingly.

ARJAN DEV, Presiding Officer  
[No. L-41012/58/85-D.II (B)]

का.प्र. 439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार गवर्नमेंट ओपियम और आल्कलॉयड वर्कस गार्हापुर के प्रबन्धन में सम्बद्ध

नियोजकों और उनके कर्मचारों के बीच, अनुसूचन में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कामपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-2-89 प्राप्त हुआ था।

S.O. 439.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Government Opium and Alkaloid Works Ghazipur and their workmen which was received by the Central Government on the 3-2-1989.

#### ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
KANPUR, UTTAR PRADESH, KANPUR

Industrial Dispute No. 113 of 1987

In the matter of dispute between :

Shri Babbar Ram S/o Shri Sita Ram Village Hanpurwa  
P.O. Peer Nagar, District Ghazipur.

#### AND

The Manager, Government Opium and Alkaloid Works  
Undertaking Ghazipur, U.P.

1. The Central Government, Ministry of Labour, vide its Notification No. L-42012/74/86-D.II (B) dated 20th August, 1987, has referred the following dispute for adjudication to this Tribunal :

Whether the termination of Shri Pabbar Ram Unskilled workman by the management of Government Opium and Alkaloid Works Ghazipur is legally in order justified? If not, to what relief and from what date, the workman concerned is entitled to?

2. The admitted facts are that on 20-5-81, the workman was served with a chargesheet in which it was alleged that on 22-10-79 at about 10.10 a.m. he was found in possession of 80 grams of morphine of which he had committed theft and which he was taking out of the factory by carrying it under his langote. The workman denied the charge. The workman was suspended on the date of occurrence and on the basis of the F.I.R. lodged by the management he was prosecuted by the Police under section 379 I.P.C., Section 9 Opium Act and Section 14 Dangerous Drug Act. However, he was acquitted in the case by the Fourth Additional Munsif Magistrate, Ghazipur on 7-3-84. Shri I. S. Ratra Assistant Chief Accounts Officer who was appointed Enquiry Officer held the inquiry and found the workman guilty of the charge. Ext. M-11 is the copy of inquiry report dated 14-12-82. On the basis of inquiry report, by means of order dated 21-2-85 copy Ext. M-12 the management dismissed the workman from service.

3. The workman's case is that he was not afforded proper opportunity to defend himself by the Enquiry Officer. The inquiry officer fixed 10-11-82 as the date of hearing in the inquiry. Since on that very date he was to appear before the Court in the criminal case, he requested the Enquiry Officer to change the date. The Enquiry Officer, acceded to his request and fixed 4-12-82 as the next date for hearing in the inquiry warning him that there would be no adjournment on the next date fixed by him. On 3-12-82 he moved an application before the Enquiry Officer that since in respect of the same subject matter Court case was pending it was not proper on his part to proceed with the inquiry. He also requested that in case the E.O. thought it fit to proceed with the inquiry, he should then be permitted to take the assistance of a lawyer as he was an illiterate person having no knowledge of law. By means of his letter dated 16-12-82, the Enquiry Officer informed him that he was competent to proceed with the disciplinary inquiry and that the pendency of



the criminal case against him was no bar to it. The Enquiry Officer, also informed him by means of his said letter that if he wanted he could take the assistance of some departmental employee in the inquiry. The E.O. however, did not inform him about the next date fixed by him in the inquiry nor he informed him that the inquiry had been concluded. The workman alleges that under rules disciplinary proceedings could not proceed alongwith the criminal case pending against him. He further alleges that it was after about one year of the order of acquittal passed in the criminal case that he was served with the order of dismissal of service, dated 21-2-85. It was then for the first time that he came to know that Enquiry Officer had given his report on 14-12-82. With the order of dismissal was enclosed the copy of inquiry report. According to him the Enquiry Officer did not examine any witness of the management nor gave him any opportunity to cross examine the witness. Against the order of dismissal he filed an appeal before the General Manager who rejected it without hearing him on 30-5-85.

4. The management's case on the other hand is that the inquiry was conducted fairly and properly by the Enquiry Officer and that the order of dismissal does not suffer from any illegality.

5. In support of his case the workman filed his own affidavit and in support of their case the management filed the affidavit of Shri Harihar Singh, Works Engineer. Both the sides also relied on a number of documents.

6. Ext. M-17 is the copy of chargesheet dated 20-5-81. From it, it appears that the management furnished list of documents to be relied upon and the list of witnesses to be examined in support of the charge. The documents are—

1. Report of Shri B. C. Srivastva, Inspector, Central Industrial Security Force ;
2. Statement dated 22-10-79 of the workman and ;
- 3 Statement of S/Shri Chander and Fauzdar dated 22-10-79.

The list of witnesses contained the names of 7 workmen. There is nothing in evidence from the side of the management to show that the copies of the above mentioned 3 documents were ever furnished to the workman. The workman was thus greatly prejudiced in his defence.

7. Ext. M-8 is the copy of letter from the Enquiry Officer, to the workman informing the workman that 10-11-82 has been fixed as the date for hearing. Ext. M-15 is copy of letter dated 5-11-1982 from the workman to the Enquiry Officer, requesting him to change the date as the same was the date fixed in the criminal case pending against him. Ext. M-16 is the copy of letter dated 25/26-11-82 from the Enquiry Officer to the workman informing him that on his request the next date in the inquiry would be 4-12-82. By means of this letter the Enquiry Officer, called upon the workman to attend the inquiry positively on the next date fixed and further called him to file his independent written statement. Ext. M-10 is the copy of letter dated 3-12-82 from the workman to the Enquiry Officer in which he made the request that departmental proceedings should be kept pending till the criminal case was decided. He further made the request to inform him whether or not he was entitled to engage a lawyer to defend him in the departmental proceedings. With regard to his defence the workman submitted that there was no question of it as he had already submitted his statement in this regard. Ext. M-1 is copy of letter dated 16-12-82 from the Enquiry Officer to the workman informing him that in pursuance of rule 14(8) of CCS (CCA) Rules 1965, he could take assistance for his defence of a departmental employee or a retired Government servant. This means that the inquiry had not concluded till 16-12-82. But inquiry report copy Ext. M-11 shows that the Enquiry Officer had concluded the inquiry proceedings and gave his report prior to his above letter dated 16-12-82. It cannot therefore, be said that the Enquiry Officer conducted the proceedings fairly and properly.

8. Lastly the inquiry report is based on almost no evidence. I fail to understand how the Enquiry Officer found the workman guilty of the charge. No witness was examined by the management before him. He relied upon search memo, seizer report and F.I.R. without their having been proved by any witness of the management. Findings of the Enquiry Officer therefore, cannot be upheld.

9. Since the order of dismissal dated 21-2-85, copy Ext. M-12 is passed on no evidence, it is illegal.

10. Therefore, held that the action of Government Opium and Alkaloid Works Ghazipur in terminating Shri Pabbar Ram unskilled workman is neither legal nor justified. He is therefore, held entitled for reinstatement with full back wages with continuity of service on his furnishing a certificate to the effect that he was not gainfully employed else where after his termination.

11. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-42012/74/86-D.II(B)]

नई दिल्ली, 20 फरवरी, 1989

का.प्र. 440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी एल एस सी विविजन, ब्यास प्रोजेक्ट, पटियाला के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, नई दिल्ली के पंजाब को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-89 को प्राप्त हुआ था।

New Delhi, the 20th February, 1989

S.O. 440.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of TLSC Division, Beas Project, Patiala and their workmen, which was received by the Central Government on the 8-2-89.

#### ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
NEW DELHI

I.D. No. 19/86

In the matter of dispute between

Shri Mansa Ram S/o Shri Ram Narayan, Vill. & P.O.  
Mandora, Tehsil Kharkhoda, District Sonapat

Versus

Shri H. S. Hans, Executive Engineer, TISC Division,  
Beas Project, Bhupindra Nagar, Patiala.

#### APPEARANCES

Shri A. S. Dhaya for the workman.

Shri Madan Mohan with Shri Satish Kumar for the  
Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012(16)/85-D.II(B) dated 11-1-86 has referred the following industrial dispute to the Tribunal for adjudication :



"Whether the action of the Chief Engineer/Elect. B.P. (PW) Chandigarh in dismissing the workman Shri Mansa Ram S/o Shri Ram Narayan, Work charged Driver under the Executive Engineer, TISC Division Beas Project, Patiala working under TISC Sub-Division, Bhiwani with effect from 3-8-84 is legal and justified? If not, to what relief is the workman concerned entitled to and from what date?"

2. Some of the undisputed facts are that the workman claimant Shri Mansa Ram was appointed as a T. Mate on 1-8-74 and was then promoted as Cleaner and thereafter as Driver on 2-8-82 the Truck No. PUR 2216 driven by the workman met with an accident in which one person died and several others were injured. The workman was served with show cause notice dated 10-12-82 as to why his services should not be terminated for causing the said accident by rash and negligent driving and causing loss to the department to the extent of Rs. 40000/-. The workman was reverted by rash and negligent driving and causing loss to the department. Thereafter the Chief Engineer, Electrical served another show cause notice dated 11-5-84 calling upon the workman to show cause why his punishment of reversion be not enhanced to dismissal under clause 18(A) (vi) of Standing Orders of the Beas Construction Board. Ultimately the services of the workman were terminated vide Order dated 3-8-1984 with immediate effect.

3. The case of the workman is that the accident took place due to no fault on his part and that the Management had loaded 80 bags of cement as against the maximum limit of 150 bags on the truck as a result of which the truck over-turned when he tried to save a cow who all of a sudden came on the road. Even the police did not file any challan against him and the police also found him innocent and sent a report accordingly. Even the Management did not serve any charge sheet on him nor held any domestic enquiry nor was he given any opportunity to defend himself and as such his termination is against the principles of natural justice. Moreover, he has been awarded double punishment. Earlier the Executive Engineer had awarded him the punishment of reversion from driver to cleaner and after a lapse of about two years awarded him punishment of dismissal from service.

4. The Management has taken preliminary objection that the workman had filed a civil suit in the court at Bhiwani which had been dismissed. Although the remedy of approaching the Civil Court or the Industrial Tribunal were open to the workman but once he exercised his option to seek remedy in the civil court he was debarred from raising the dispute before this Tribunal. On merit, it was submitted that the accident took place due to the rash and negligent driving of the workman which was an act of misadventure with the result that the management had to incur an expenditure of Rs. 40000/- by way of repair to the truck, incidental charges, and compensation to the legal heirs of the deceased cleaner. It was further stated that the workman had been given opportunity to explain his conduct and the action against him had been taken in accordance with the provisions of the standing order. In the end the Management justified its action in terminating the services of the workman as legal and valid.

5. First of all, the preliminary objection raised by the Management is taken up. While the legal position stated by the Management is correct, the facts of the present case are altogether different. The workman had no doubt filed a suit in the Civil Court at Bhiwani but the same was not decided on merits. It was in fact withdrawn by the workman with permission to file fresh suit. The title of the suit reads as under :

"Suit for declaration to the effect that the order is suit i.e. order No. 70 dated 3-2-83 passed by the defendant No. 2 reverting the plaintiff from the post of W/C Driver to W/C Cleaner is illegal

against law and facts and against the principle of natural justice and equity and the same is null and void ab initio and not binding and inoperative on rights of the plaintiff and that the same is honest one and that the plaintiff be declared still to be the W/C driver under defendants and is entitled to get the differences of total emoluments between the posts of W/C Driver and W/C Cleaner and also all other benefits deeming him to be the W/C Driver, to which the defendants are liable to pay him as per calculations and further the show cause notice/Memo No. 92/2/Chief Genl-359 dated 11-5-84 (which is show cause notice/whereby the reversion) aforesaid has been proposed to be converted into dismissal, by the defendant No. 1 is also illegal, against law and facts and amounts to double punishment and the same is against public policy and against the principle of natural justice and equity and is not binding and is ineffective on the rights of the plaintiff and is without jurisdiction and is also honest and that the service of the plaintiff, on the basis of cannot be terminated and further suit for permanent injunction restraining the defendants from dismissing the plaintiff from his service under the defendants working as W/C Cleaner, on the basis of evidence both oral and documentary of all sorts".

The order passed by the court reads as under :

#### ORDER

The plaintiff has moved an application for withdrawal of the suit with permission to file fresh suit as the plaintiff has not given notice under section 80 CPC in such case no permission is required if the suit is dismissed, for want of notice. The plaintiff is always at liberty to file suit after service of notice under section 80 CPC. In view of the statement of the plaintiff, therefore, suit of the plaintiff is dismissed as withdrawn. Parties are left to bear their own costs. File be consigned.

Announced.

Sd/- SJIC Bhiwani

18-10-84'

It will be seen that the suit was against the order of reversion and against the proposed action of the management to dismiss him from service on the basis of show cause notice dated 11-5-84. However, by the time the order was passed, the workman had been removed from service and, therefore, the suit came inoperative and that appears to be the reason for its withdrawal. However, after the withdrawal of the suit, the workman has taken the remedy by way of raising Industrial Dispute which is quite valid and with jurisdiction. The mere fact of filing of a suit and that also not against the order of termination which is subject matter of the dispute and which further was not decided on merits, will not bar the jurisdiction of the industrial tribunal. Hence there is no merit in this objection of the Management and it is hereby rejected.

6. It is manifestly clear from the pleadings of the Management, that simple show cause notice in respect of the proposed punishment reversion and termination were served on the workman but no proper charge sheet was served upon him nor any domestic enquiry was held against him nor any proper opportunity was given to him to defend himself. No doubt the standing orders of the Management provide for disciplinary action in clauses 18A and 18B and the Chief Engineer Electrical has also been given the power to enhance the punishment awarded by a subordinate authority yet a detailed procedure has been prescribed for dealing with case of misconduct vide clause 20. In the present case the mandatory procedure of clause 20 has not been followed and has been clearly by passed which has resulted in grave prejudice to the workman and a denial of the principles of natural justice. Before the punishment of reversion or termination of services could be awarded, the disciplinary authority had to see whether the

charges against the workman were proved. In the present case no effort has been made at all to prove the charges against the workman. The workman has placed on record a copy of the FIR lodged with the police and the police has recorded in its report that there was no fault on the part of Mansa Ram Workman. It has also been recorded that a cow suddenly came in front of the truck driver by the workman and in his effort to save the cow the truck got over turned. The workman has stated that the limit of the load of the truck was 150 bags of cement and the Management had loaded 180 bags of its cement which was also a cause for the over turning. M.W-1 Shri S.K. Gupta X.En. has admitted that at the time of the accident, therefore 180 bags of cement in the truck and 10 persons were sitting in it. This would be go to show that the Management was itself a contributor to the accident which took place. Therefore, in merits, also there were no sufficient grounds to take the disciplinary action of reversion and dismissal from service. In any case, the entire action of the Management is vitiated for its failure to follow the procedure laid down in the standing order and by violating the principles of natural justice.

7. In view of the discussion made above this reference is awarded in favour of the workman and against the Management and it is hereby directed that the workman shall be reinstated as a Driver with continuity of service and with full back wages.

27th January, 1989.

G. S. KALRA, Presiding Officer  
[No. L-42012/16/85-D.II(B)]  
HARI SINGH, Desk Officer

नई दिल्ली, 22 फरवरी, 1989

का. प्रा. 441.—औद्योगिक विवाद प्रावधान, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय खाद्य निगम के प्रबन्धन के सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार द्वारा प्रतिकरण, अपील के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 10-2-89 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1989

S.O. 441.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 10th February, 1989.

#### ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. LD. 12/88.

#### PARTIES :

Employers in relation to the management of Food Corporation of India, Regional Office Haryana.

#### AND

Their workman.—Satbir Singh.

#### APPEARANCES

For the workman.—None.

For the management.—None.

INDUSTRY : FCI

STATE : HARYANA.

#### AWARD

Dated

On a Industrial dispute raised by Satbir Singh, Central Govt. has pleased to make the following reference vide No. L-42012/108/86-D.II(B) dated 16th February 1987 to this Tribunal :

"Whether there is employer-employee relationship between the management of Food Corporation of India and Shri Satbir Singh ? If yes, whether the demand of the workman for re-employment is justified ? If yes, from what date he is entitled to relief ?"

2. None has put up appearance on behalf of the parties to pursue the matter. They were represented on the last date of hearing by the workman himself and management through Shri R. S. Yadav when the proceedings were adjourned from 6-12-1988 to 16-1-1989. Reference proceedings are therefore, filed for want of prosecution. Central Govt. be informed accordingly.

Chandigarh.

Dt.—16-1-89.

M. S. NAGRA, Presiding Officer  
[No. L-42012/108/86-D.II(B)]

नई दिल्ली, 23 फरवरी, 1989

का. प्रा. 442.—औद्योगिक विवाद प्रावधान, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई. सी. लिमि. की चाइनाकुरी कोलियरी के प्रबन्धन के सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार द्वारा प्रतिकरण कलकत्ता के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-89 को प्राप्त हुआ था।

New Delhi, the 23rd February, 1989.

S.O. 442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chinakure Colliery of M/s. Eastern Coalfield Ltd., and their workmen, which was received by the Central Government on the 7th February, 1989.

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 120 of 1988

#### PARTIES :

Employers in relation to the management of Chinakure Colliery of M/s. Eastern Coalfields Ltd.

#### AND

Their workmen

#### APPEARANCES :

On behalf of employers—Mr. B. N. Lala, Advocate.

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

#### AWARD

By Order No. L-19012(4)/87-D. IV(B) dated 24th August, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the Management of Chinakure Colliery, or M/s. E.C. Ltd. was justified in not recording the

year of birth of Smt. Sadari Mejhana, Wagon Loading Kamia as 1938 as per Identity Card in the newly constructed Form B Register? If not, to what relief the workman concerned is entitled?

2. When the case is called out today, Mr. B. N. Lala, Advocate appears for the management and files a Joint Petition of Compromise, duly signed by both parties. He prays for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submission of Mr. Lala. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I, therefore, accept the same and pass an Award in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure 'A'.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/4/87-D. IV(B)]

Dated, Calcutta,

The 30th January, 1988.

#### ANNEXURE-'A'

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 120 of 1988.

#### PARTIES:

Employers in relation to the management of Chinakari Colliery of M/s. Eastern Coalfields Ltd.

#### AND

Their workman.

Joint petition of compromise

The humble petition of both the parties herein concerned most respectfully sheweth:

1. That the above matter is pending before the Hon'ble Tribunal for adjudication.
2. That the parties herein concerned discussed the instant matter mutually with a view to coming to amicable compromise and the parties have settled the instant matter on the following terms:

(a) That the employers agree that the workman herein concerned namely Smt. Sadari Mejhana will be given the opportunity to appear before the Area Age Determination Committee constituted in accordance with the agreed decision of the parties arrived at the joint Bipartite Committee for the Coal Mining Industry for assessment/determination of her age.

(b) That both the parties agree that the age of the workman assessed by the Age Determination Committee in terms of paragraph (a) above shall be binding on both the parties and the record of age of the concerned workman will be corrected accordingly in the record of the Form-B Register as well as the Identity Card.

(c) That by this settlement the instant matter and any matter arising out of the instant matter stands fully and finally resolved and that this settlement will be effective as on the date the Hon'ble Tribunal accepts the instant settlement.

3. That both the parties pray that the Hon'ble Tribunal may be pleased to accept the instant settlement as fair and proper and may be further pleased to pass an award in terms of the settlement.

And for this act of kindness both the parties, as in duty bound, shall ever pray.

Dated this the 30th day of December, 1988.

Sd/-

For and on behalf  
of the workman.

General Secretary,

West Bengal Khan Mazdoor Sangh

Sd/-

For and on behalf  
of the Employers.

का. प्रा. 143.—औद्योगिक विवाद प्रविधिवि, 1947 (1947 का 14) को धारा 17 के अनुसूचक में, केन्द्रीय सरकार व बैंसर् ईस्टर्न कोलफील्ड्स लिमि. की बान्कोला कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच प्रस्ताव में विनिष्ठ औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, कलकत्ता के संघर्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-89 को प्राप्त हुआ था।

S.O. 443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bankola Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on the 7th February, 1989.

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 113 of 1988

#### PARTIES:

Employers in relation to the management of Bankola Colliery of Eastern Coalfields Limited.

#### AND

Their workmen.

#### APPEARANCES:

On behalf of employers—Mr. B. N. Lala, Advocate.

On behalf of workmen—None.

STATE: West Bengal.

INDUSTRY: Coal.

#### AWARD

By Order No. L-19012(34)/87-D. IV(B) dated 18th August, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Bankola Colliery of M/s. Eastern Coalfields Ltd. P.O. Ukhra, District Burdwan in dismissing Sri Lakhna Paswan, ex-Pit Clerk, from 18th September, 1985 is justified? If not, to what relief the concerned workman is entitled?"

2. When the case is called out today, Mr. B. N. Lala, Advocate appears for the management and draws my attention to the Joint Petition of Compromise, duly signed by both parties and filed on 9th January, 1989. He prays for an Award in terms of the Joint Petition of Compromise. Considered

the said Joint Petition of Compromise as well as the submission of Mr. Lala. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an 'Award' in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure-'A'.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer.

[No. L-19012/4/87-D. IV(B)]

Dated, Calcutta,

The 30th January, 1989.

#### ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

CALCUTTA

EASTERN COALFIELDS LIMITED

OFFICE OF THE GENERAL MANAGER, BANKOLA AREA, P.O. UKHRA, DISTRICT BURDWAN

Ref. No. BA/PD/

Reference No. 113/88

Dated : 7-1-1989.

#### MEMORANDUM OF SETTLEMENT IN FORM 'H'

Name of the parties :

Representing employer :

- (1) Sri Jairam Singh, Personnel Manager, Bankola Area.
- (2) Sri S. N. Saigal, Personnel Manager (IR), Bankola Area.

Representing workmen :

- (1) Sri C. S. Banerjee, Genl. Secretary, CMU (INTUC), Ukhra, Burdwan.
- (2) Sri Lakhan Paswan, Ex. Pit Clerk.

#### Short recital of the case

Sri Lakhan Paswan, Ex. Pit Clerk, Bankola colliery while employed as Pit Clerk at Bankola colliery was charge sheeted on 26th November, 1984 and after due enquiry he was dismissed from the company's service with effect from 16th September, 1985 on proved misconduct. Sri Paswan represented before the management for his re-instatement with back wages to him as the dismissal was not justified. The case was examined by the management and after prolonged discussion both the parties agreed for mutual settlement of the case and the dispute was resolved on the following terms and condition.

#### Terms of settlement

It is agreed by the parties :

- (1) That Sri Lakhan Paswan the workman herein concerned will be re-employed as Pit Clerk and will be posted within Bankola Area except Bankola colliery.
- (2) That the workman herein concerned will be appointed as Pit Clerk in Grade-II (two) with the initial basic of Rs. 678 in the scale of 678-30-918-35-1190.

(3) That the workman herein concerned shall have no claim of any wages, benefits, allowances etc. whatsoever for the period of his idleness from the date of dismissal till the date of preceding the date of his joining duty on such re-employment.

(4) That Sri Paswan will be on probation for a period of one year after his re-employment and if his conduct is not found to be satisfactory, his service will be terminated without any prior notice.

(5) Since Sri Paswan is idle for a considerable period, it is agreed by the parties that he will be allowed for duty within 7 (seven) days from the date of filling the settlement before the Central Government Industrial Tribunal with a fresh appointment letter.

That the instant matter arising out of dismissal of the concerned workman and any matter incidental to or arising out of this instant matter are settled in full and final.

That the parties pray that the settlement may kindly be accepted by the tribunal as fair and proper and the hon'ble tribunal may be pleased to pass an award in terms of the settlement.

Dated : 7th day of January, 1989.

For & on behalf of the

employer.

- (1) Sd/-  
Illegible
- (2) Sd/-  
Illegible

WITNESS.

- (1) Sujit Kumar Ghatak
- (2) Tapan Chakravorty.

For and on behalf of the workman

- (1) Sd/-  
Illegible
- (2) Lakhan Paswan

नई दिल्ली, 24 फरवरी, 1989

का.प्र. 444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय खाद्य निगम, लखनऊ के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-89 को प्राप्त हुआ था।

New Delhi, the 24th February, 1989

S.O. 444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhartiya Khadya Nigam Lucknow and their workmen, which was received by the Central Government on the 6th February, 1989.

## ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
KANPUR (U.P.)

I.D. No. 95 of 1988

In the matter of dispute between :

Shri S. N. Singh,  
C/o President,  
Bhartiya Khadya Mazdoor Sangh,  
Abdul Aziz Road,  
Lucknow.

AND

District Manager,  
Food Corporation of India,  
District Office,  
Lucknow.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-42012/68/87-D. 2(B) dt. 22nd July, 1988, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Bhartiya Khadya Nigam Lucknow in terminating the services of Shri S. N. Singh w.e.f. 1st November, 1985 as compounder is legal and justified? If not, to what relief is the workman concerned entitled?

2. In the instant case parties filed settlement on 11th January, 1989, the contents of which have been duly verified before me. Parties authorised representatives also requested to decide the case in terms of the settlement. The terms of the settlement are as follows :

1. That the workman will be engaged on same status which he was having at the time of disengagement.
2. Intervening period (between date of disengagement and reengagement) will be counted for continuity of service but no wages shall be paid for this period.
3. This will be full and final settlement of the dispute.

3. The reference is answered accordingly in terms of the settlement

ARJAN DEV, Presiding Officer  
(No. L-42012/68/87-D. II(B))  
R. K. GUPTA, Desk Officer

